



## **PLANNING COMMISSION MEETING**

## **STAFF REPORT**

**Thursday, October 27, 2016**

- |                                   |  |
|-----------------------------------|--|
| Item 1<br>PL2016-161<br>6:00 p.m. | The Luther Company (owner)<br>8824, 8860 and 8870 Wentworth Avenue<br>Conditional use permit for exterior storage as a primary use and final site and building Plans for an outdoor auto inventory storage lot         |
| Item 2<br>PL2016-162<br>6:05 p.m. | City of Bloomington<br>City Code Amendment – Creating definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited or conditional uses in various zoning districts |
| Item 3                            | City of Bloomington<br>Consider approval of draft Planning Commission meeting synopsis of 09/15/16   |

---

Originator  
Planning

Item

**Conditional use permit for exterior storage as a primary use and final site and building Plans for an outdoor auto inventory storage lot located at 8824, 8860 and 8870 Wentworth Avenue.**

---

Date  
10/27/2016

---

Description

## GENERAL INFORMATION

Applicant: The Luther Company, LLLP

Location: 8824, 8860 and 8870 Wentworth Avenue South

Requests: 1) Conditional use permit for exterior storage as a primary use; and  
2) Final Site and Building Plans for an outdoor auto inventory storage lot.

---

Requested Action

Staff recommends the following motion:

In Case PL2016-161, having been able to make the required findings, I move to recommend the City Council adopt a resolution approving the conditional use permit for outdoor storage as a primary use and approve final site and building plans for an outdoor inventory lot at 8860, 8870, and 8824 Wentworth Avenue South, subject to the conditions and Code requirements attached to the staff report.

---

Attachments:

Staff Report  
Recommended Conditions of Approval  
Project Description  
Plans Submitted  
Heat Island Effect Summary  
DRC Minutes  
DRC Comment Summary  
Notification Map  
Publication Verification

## GENERAL INFORMATION

Applicant: The Luther Company, LLLP

Location: 8824, 8860 and 8870 Wentworth Avenue South

Requests: 1) Conditional use permit for exterior storage as a primary use; and  
2) Final Site and Building Plans for an outdoor auto inventory storage lot.

Existing Land Use and Zoning: Indoor and outdoor auto inventory storage; zoned I-3 General Industry

Surrounding Land Use and Zoning: North, South and West – Industry; zoned I-3  
East – Multi-family residential; zoned R-4

Comprehensive Plan Designation: Industrial

## HISTORY

City Council Action: 05/19/14 – Approved a four year interim use permit for the open storage of motor vehicles at 8824 Wentworth Avenue South (Case 10928A-14).

City Council Action: 01/26/15 – Approved an interim use permit to expire on May 19, 2018 for the open storage of motor vehicles at 8860 and 8870 Wentworth Avenue South (Case 10867A-14).

## CHRONOLOGY

Planning Commission	10/27/2016	Public hearing scheduled
Council	11/07/2016	Tentative review date

## DEADLINE FOR AGENCY ACTION

Application Date: 09/13/2016  
60 Days: 11/12/2016  
120 Days: 01/11/2017  
**Applicable Deadline: 11/12/2016**

Report to the Planning Commission  
Planning Division/Engineering Division

10/27/2016

Newspaper Notification: Confirmed – (10/13/16 Sun Current – 10 day notice)  
Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

## **STAFF CONTACT**

Mike Centinario  
(952) 563-8921  
mcentinario@BloomingtonMN.gov

## **PROPOSAL**

The Luther Company requests a conditional use permit to establish an approximately five acre outdoor storage lot at 8860, 8870, and 8824 Wentworth Avenue South as the primary use and final site and building plans to construct the outdoor storage lot. The applicant intends to use the lot for auto inventory and plans identify 756 inventory stalls. Opaque screening is proposed along Wentworth Avenue. Multiple existing industrial buildings would be demolished to accommodate the proposed open storage.

Multiple-family residential uses are located across the street. To minimize residential disturbances, delivery trucks would enter the site through the south gate away from public right-of-way, drop off inventory within the lot, and exit through the gate located at the northeast corner. Landscaping is concentrated along Wentworth Avenue South and the side yards near the street frontage.

The applicant has also applied to consolidate the three tax parcels into one tax parcel, which is a prerequisite for designation as a “zoning lot.” A zoning lot designation allows adjacent lots under common ownership to be treated as one site for zoning purposes without the need to combine the lots through the preliminary and final plat process. The approval process for tax parcel combinations is administrative; the application is necessary to ensure common ownership and to keep accurate records of zoning lots.

## **BACKGROUND**

Permanent outdoor storage as a primary use is allowed in the I-3 Zoning District through approval of a conditional use permit; conditional use permits afford a degree of discretion in reviewing development proposals. Permanent outdoor storage requires code complying upgrades to the proposed site including stormwater management, asphalt or concrete paving, curb and gutter, landscaping, screening, and lighting if the storage is unsecured. By past practice, where it is clear the use is truly temporary in nature, open storage has been allowed to establish or continue for periods of time through interim use permits (IUP) without full Code compliance, except where required by condition of approval. The applicant received IUPs for storage at this site in 2014 and 2015. The IUP process allows temporary use of the property, but the intent is to



bring the property up to full-compliance at the end of the defined IUP term or for the temporary use to cease at the end of the term. The applicants IUPs expire May 2018, so in that regard, the proposal to implement a Code-complying storage lot is in advance of IUP expiration.

The applicant's stated original intent for the site was to have outdoor inventory storage, but also to maintain, renovate, or reconstruct the buildings on site. There are no plans to construct new buildings after the existing structures are demolished.

## ANALYSIS

### Code Compliance

Table 1 identifies City Code requirements related to exterior storage, the applicant's proposal, and whether or not the proposal is consistent with City Code. Additional information regarding specific components of the plan are in the sections that follow the table.

Table 1: City Code Requirements for Exterior Storage

Standard	Code Requirement	Proposal	Compliance
Surface – Section 21.301.06(c)(2)(D)	Paved with concrete or asphalt	Paved lot	Standard met
Curbing – Section 21.301.06(c)(2)(E)	Poured-in-place concrete curb along perimeter	Concrete perimeter curb	Standard met
Parking setback (along street – Section 21.301.06(c)(2)(I)	20 ft. along street; 5 ft. along side and rear property boundaries	20 ft. along Wentworth; at least 5 feet along side and rear property boundaries	Standard met
Screening – Section 19.52(d)(1)(D)	Screening required along any property that directly abuts residentially zoned or guided property	6-foot screen proposed along Wentworth and portions along north and south property boundaries	Standard met
Trees – Section 19.52	93 trees	93 trees	<i>Quantity</i> standard met – see comments
Shrubs – Section 19.52	233 shrubs	193 shrubs; 160 perennial grasses	<i>Quantity</i> standard met – see comments
Lighting – Section 21.301.07(c)(13)	No lighting requirement when lot is secured	Secured lot – applicant proposing lighting for	Standard met – staff recommends additional lighting

		inventory area	at gates for security purposes
Parking – Section 21.301.06(d)	1 stall per 2,500 square feet of outside storage; approximately 203,400 square feet of storage area – 81 stalls	Inventory stalls only – no stalls for employees	Standard not met – stalls not compliant with parking design standards in Section 21.301.06(e)

**Landscaping and Screening**

Wentworth Avenue is a transition area between industrial and residential uses and because there are residential uses across the street, storage must be fully screened from the residential uses. A six-foot fully opaque fence is proposed along Wentworth Avenue as well as the north and south sides of the 8824 Wentworth Avenue property until they are “in-line” with buildings to the north and south. The fence, along with dense landscaping, will provide screening from storage and meets the screening requirement.

While the proposed landscape plan meets the landscape *quantity* standards, staff is concerned with the lack of landscaping distribution throughout the storage area. The plan depicts five acres of uninterrupted paving. The approved *Landscaping and Screening Policies and Procedures* guide, referenced in City Code Section 19.52(b)(3), indicates that landscaping should add visual interest, visually break up large areas of paving, and provide shade in the summer months to reduce the urban heat island effect (See attached study).

In order to meet the landscaping quantity standard, trees are proposed in dense rows along the site’s perimeter. This particularly apparent along the south property boundary between 8824 and 8850 Wentworth Avenue. A densely planted line of trees is proposed in a five foot setback. Staff does not believe there is sufficient space for trees to survive long term.

Further, except for landscaping along Wentworth, most of the landscaping is proposed on the inside of the fence instead of between the property line and the fence. This, to a large degree, negates the visual benefit of landscaping in front of fencing. Staff recommends that landscaping, to the extent practicable, is planted between fences and property lines. This would require the relocation of existing chain link fence in some locations to accommodate landscaping between the fence and the property boundary.

Currently, there are only striped parking islands with no curbing proposed. To better distribute trees throughout the site and to provide shade within the storage area, staff recommends curbed parking islands with landscaping to replace the striped islands. The applicant would also be able to use recessed curbing to allow stormwater infiltration within the islands and to make snow plowing easier.

**Access, Circulation, and Parking**

City Code requires one parking stall for every 2,500 square feet of outdoor storage space. With over 200,000 square feet of outdoor storage space, Code required parking is 81 stalls. Section 21.301.06(e) includes a number of design standards for parking which include, but are not limited to, minimum drive aisle width and stall dimensions, curb and gutter, and landscaped parking islands. Code required parking could be implemented within the storage lot and the proposed design meets most of the City's requirements – only parking islands at least 8 feet wide with at least one deciduous tree must be added. Regardless of staff's recommendation noted above to incorporate parking islands throughout the site, several parking islands are required by Code. A variance would be necessary to remove the parking island requirement for the 81 required parking stalls.

Storage as a primary use was not contemplated at this scale when the 1 per 2,500 square foot parking standard was adopted. Staff acknowledges the applicant would not need 81 stalls for the storage operation and is recommending a condition allowing stalls to be occupied by auto inventory when not needed for employee use.

Circulation throughout the site would remain mostly as it is today. Vehicles enter the site through a private shared driveway along the south property line. Vehicles would then exit through the gate located in the north east corner of the site. The applicant has indicated that vehicle deliveries will always be accompanied by a Luther employee to close gates ensuring that trucks do not idle outside the lot. Staff believes this is the most effective arrangement and has recommended a condition that would prohibit truck idling within public right-of-way.

**Stormwater Management**

Stormwater will be managed to meet the City's and Watershed District's requirements for stormwater rate control (quantity), stormwater quality and volume.

The Stormwater Management plan calculations and narrative have been reviewed and appear to meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required.

**Status of Enforcement Orders**

There are no open enforcement orders for the properties.

## FINDINGS

### Section 21.501.04(e)(1-5) Conditional Use Permits

1. T  
**he proposed use is not in conflict with the Comprehensive Plan;**
  - The Comprehensive Plan designates the property for Industrial land use, which allows open storage as a conditional use. Open storage as a primary use is conditionally permitted in the I-3 zoning district and is consistent with the Comprehensive Plan's Industrial designation.
2. **The proposed use is not in conflict with any adopted District Plan for the area;**
  - The property is not in a location with an adopted district plan.
3. T  
**he proposed use is not in conflict with City Code provisions;**
  - O  
pen storage is a conditional use in the I-3 zoning district. However, the proposed storage lot is in conflict with City Code requirements related to parking and City policies related to landscaping. Appropriate conditions of approval are necessary to ensure City Code conflicts will be resolved prior to construction.
4. T  
**he proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and**
  - An inventory lot has been in operation at the site for a couple years, albeit at a smaller scale. Subject to compliance with the City Code, the proposal is not anticipated to create an excessive burden on public facilities and utilities.
5. T  
**he proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**
  - An open storage lot is generally inconsistent with the surrounding neighborhood, which is a transitional area between industrial and residential uses. Although the use is existing, expanding an open storage lot without considerations to screening and landscaping would be injurious to the surrounding neighborhood. Appropriate conditions of approval are necessary to ensure the proposal will not be injurious to the surrounding neighborhood.

**Section 21.501.01(d)(1-4) – the following findings must be made prior to the approval of final site and building plans or revisions to final site and building plans:**

**1. The proposed development is not in conflict with the Comprehensive Plan;**

- The Comprehensive Plan designates the property for Industrial land use, which allows open storage as a conditional use. Open storage as a primary use is conditionally permitted in the I-3 zoning district and is consistent with the Comprehensive Plan's Industrial designation.

**2. The proposed development is not in conflict with any adopted District Plan for the area;**

- The property is not in a location with an adopted district plan.

**3. The proposed development is not in conflict with the City Code provisions; and**

- Open storage is a conditional use in the I-3 zoning district. However, the proposed use is in conflict with City Code requirements related to parking and City policies related to landscaping. Appropriate conditions of approval are necessary to ensure City Code conflicts will be resolved prior to construction.

**4. The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**

- An open storage lot is generally inconsistent with the surrounding neighborhood, which is a transitional area between industrial and residential uses. Although the use is existing, expanding an open storage lot without considerations to screening and landscaping would be injurious to the surrounding neighborhood. Appropriate conditions of approval are necessary to ensure the proposal will not be injurious to the surrounding neighborhood.

**RECOMMENDATION**

Staff recommends the following motion:

In Case PL2016-161, having been able to make the required findings, I move to recommend City Council adopt a resolution approving the conditional use permit for outdoor storage as a primary use and approve final site and building plans for an outdoor inventory lot at 8860, 8870, and Report to the Planning Commission  
Planning Division/Engineering Division

10/27/2016

8824 Wentworth Avenue South, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

Case PL2016-161

**Project Description:** Conditional Use Permit and Final Site and Building Plans for Auto Inventory Lot at 8824, 8860, 8870 Wentworth Avenue South

**Address:** 8860, 8870, and 8824 WENTWORTH AVE S

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit The Grading, Drainage, Utility, and Erosion Control plans must be approved by the City Engineer.
2. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
3. Prior to Permit An erosion control surety must be provided (Sec. 16.05(b)).
4. Prior to Permit A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided if greater than one acre is disturbed (State of MN and Federal regulation).
5. Prior to Permit Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
6. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
7. Prior to Permit Code-complying parking for 81 stalls must be depicted on plans (Sec. 21.301.06)
8. Prior to Permit End of row parking islands, which include curbing and at least one deciduous tree, must be incorporated into the storage area.
9. Ongoing All loading and unloading must occur on site and off public streets.
10. Ongoing All pickup and drop-off must occur on site and off public streets. Vehicles must enter the site via the south driveway and gate. Except for emergencies, the north gate must be used for exiting only.
11. Ongoing Fire lanes must remain unobstructed. Storage must be kept in a neat and orderly manner.
12. Ongoing Outdoor loudspeakers or public address systems are prohibited. Car horns, panic alarms, or similar audible signals must not be used to locate vehicles on site.

September 27<sup>th</sup>, 2016

Mike Centinario  
City of Bloomington  
1800 West Old Shakopee Road  
Bloomington, MN 55431-3027

RE: Application # PL2016-154, Conditional Use Permit and Final Site Plan for automobile inventory lot as 8824, 8860, and 8870 Wentworth Avenue South

Dear Mr. Centinario,

We are responding to comments derived from the September 13, 2016 Pre-Application DRC Meeting. Our responses follow your comments, which are in italics.

**Planning Review - Pre-App Contact:** Mike Centinario at mcentinario@BloomingtonMN.gov, (952) 563-8921

- 1) *Luther is proposing a conditional use permit and final site and building plans for a vehicle inventory lot. Some initial questions:*

*Is the proposed use consistent with the existing easement(s) along the south property line?*

Yes

*Does the easement restrict vehicle deliveries?*

The easement does not restrict any specific vehicle access. Please see attached easement for verification.

*Would every truck have full access?*

Yes

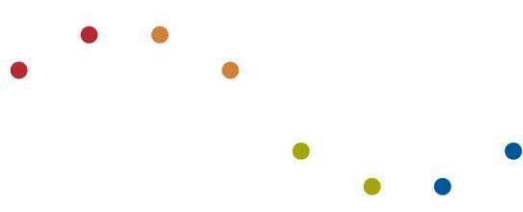
*Would inventory only be for new vehicles?*

No

- 2) *Due to the scale of the site, staff believes a truck delivery staging area is necessary along Wentworth Avenue so trucks are not parking or idling in public right-of-way. Please describe how truck deliveries will take place as well as how the access gates will be operated. Are the proposed gates compatible with winter conditions and snow storage?*

Deliveries will be unloaded on site and gates will be operated in a manner such that delivery





trucks will not be parking or idling on Wentworth Avenue. Details of the gates have yet to be determined, but design will incorporate operation in all seasons, including winter conditions.

- 3) *City Code allows the consolidation of tax parcels to create a "zoning lot," subject to administrative review. In order for a building permit to be issued, as opposed to a parking lot permit, the properties must be platted per Chapter 22 of the City Code and the approved plat recorded at Hennepin County. The tax parcels may not be split without platting, although splitting the parcels would be complicated by the proposed inventory lot and location of property lines.*

Noted

- 4) *A minimum 20-foot landscape yard is required along all street frontages. A 20.5-foot setback is proposed along Wentworth Avenue, which meets Code.*

Correction. The back of curb is located 20 feet from Wentworth Avenue ROW, which still meets Code. Dimensions on plans are to face of curb. Pardon any confusion.

- 5) *The landscape plan meets the number of trees and shrubs required given the size of the site. However, staff is concerned about the long term maintenance of trees and shrubs along the railroad corridor - railroads will typically spray herbicide to control weed growth. Staff is also concerned about planting trees in small buffers along property lines. Staff does not believe a 5-foot pervious area immediately adjacent to a building is a suitable location for a tree planting.*

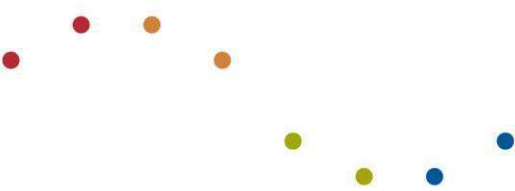
Noted. Plantings have been revised per the accompanying plan set.

- 6) *Trees on the City's prohibited tree list do not count towards meeting the minimum landscaping requirement. It appears as though ash trees are to be preserved, which are prohibited trees. The ash trees may remain, but non-prohibited trees must be added to the plan.*

Noted, tree calculations for landscaping requirements have been updated accordingly.

- 7) *Staff believes the painted parking islands must be revised to curbed islands with at least one deciduous tree. Each parking lot island must be 8 feet wide (inside to inside measurements).*

The requested use is inventory storage and other storage, not public parking. Interior



landscape island provides no benefit to the public. Highly opaque fencing will be provided on Wentworth along with plantings to provide screening and the rest of the site fencing will be 6' chain link fence. The interior of the storage lot will only be used and seen by Luther employees on a limited time basis and neighboring properties would have much difficulty seeing the islands. Although the current plan is to store vehicles on this open storage lot, Luther has a myriad of other assets that can be stored on this lot as defined in the City Code. Installing landscaping islands limits Luther's ability to customize the layout of their open storage lot for other property requiring storage.

- 8) *Proposed fencing and fence height is mostly Code-compliant. Six-foot fencing is acceptable along Wentworth, but the proposed 10-foot fencing must meet the principle building setback, which in I-3 is 35 feet.*

Fencing has been revised to include portions of the existing chain link fence that is 6' and all new fencing will be installed at 6' in height. See plans for more details of fencing.

- 9) *Side and rear setbacks for the proposed inventory lot are met.*

Noted

- 10) *The minimum drive aisle width meets the City Code requirements (21.301.06). Drive aisles must remain unobstructed.*

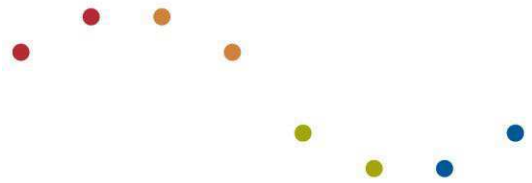
Noted

- 11) *Vehicle inventory must be kept in a neat and orderly manner. Use of panic alarms to identify vehicle locations would be prohibited given the proximity of residential uses.*

Noted

- 12) *Parking lot and exterior security lighting must meet Section 21.301.07. The proposed fixtures have been pre-approved by staff. Lighting is not required for secured storage lots, so no lighting is required for the inventory lot. Staff does typically require as a condition of approval that the entrance gates are lit to 2.0 footcandles. Minor adjustments to lighting pole locations is necessary to meet 2.0 footcandles at gates.*

Photometric plans have been revised to achieve 2.0 footcandles at the south gate. We are having issues meeting both the 2.0 footcandle minimum at the gate on Wentworth and also



meet the Max 0.5 footcandle at the property line. With residential being across the street, it would be preferred to meet that requirement. Would staff allow the gate to be lit at less than 2.0 footcandles?

*13) Combining tax parcels is an administrative review, but does require a \$130 application fee. Please remit \$130 in addition to the conditional use permit and final site and building plan application fees.*

Noted. Fee will be provided at time of application.

**Fire Department Review - Pre-App Contact:** Laura McCarthy at [lmccarthy@BloomingtonMN.gov](mailto:lmccarthy@BloomingtonMN.gov), (952) 563-8965

*1) Maintain emergency vehicle access throughout.*

Noted

**Public Works Review - Pre-App Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

*1) Update Civil Engineering plans based on comments.*

Noted

*2) A Minnesota licensed civil engineer must design and sign all civil plans.*

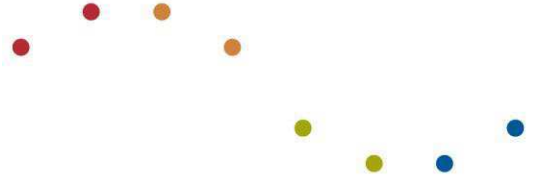
Noted

**Construction/Infrastructure Review - Pre-App Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

*1) A Minnesota licensed Civil Engineer must design and sign all retaining walls 4-feet and higher and setbacks for the principle structure must be provided.*

Noted. Current retaining wall designs do not exceed four feet in height. Per (Sec. 19.08 (c)(2)): Retaining walls up to 4 ft. must maintain a 10 ft. setback from the front property line. No minimum setback from any side or rear property line required (no encroachment into public easements permitted). Please clarify principle structure setback comment.

**Traffic Review - Pre-App Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862



- 1) *All parking stall striping must be painted 4" wide, white. Parking islands must be 3-feet shorter than the parking stall and 8-feet wide.*

Noted, current design meets requirements listed.

- 2) *All construction and post-construction parking and storage of equipment and materials must be on-site. Use of public streets for private construction parking, loading/unloading, and storage will not be allowed.*

Noted

- 3) *The minimum drive aisle width and parking stall dimensions must meet the City Code requirements (21.301.06)*

Noted, current design meets requirements listed in Code.

- 4) *A 10-foot sidewalk/bikeway easement shall be provided along Wentworth Avenue. Developer/owner shall provide the legal description and Engineering staff will prepare the easement document.*

Noted

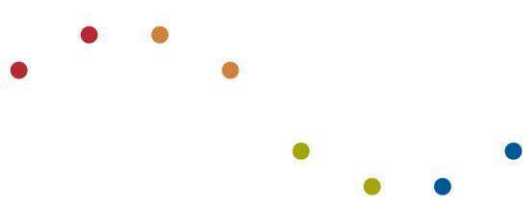
**Utility Review - Pre-App Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

- 1) *City Records indicate a Private Shared 2" water service split into 2 - 1" services serving 8850 and 8870. Also records indicate the common 2" shutoff valve is buried under the street and the 1" shutoff to 8870 is damaged and won't shut off. Abandon the 1" service to 8870 at the point of the split.*

Water services will be abandoned per the City of Bloomington's requirements. Could you please provide the City Records regarding this service?

- 2) *Reuse of the old 2" water service for irrigation (at 8824) will require a meter MH - per Bloomington Utilities Standards. Otherwise abandon the service at the main.*

Noted, a meter manhole will be provided for irrigation service per City of Bloomington Standards.

- 
- 3) *Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.*

Noted, the General Contractor and its subcontractors will obtain all necessary permits prior to construction.

- 4) *All unused water services must be properly abandoned at the main. All unused sanitary sewer services must be properly abandoned at the property line.*

Noted, all abandonment will be to the City of Bloomington's Standards.

- 5) *Contact Bloomington Utilities (Jeff Aldinger at 952 563-4654) regarding demolition information related to SAC credits.*

Noted.

- 6) *There currently are no fire hydrants in this area suggest adding some to provide fire protection for the inventory.*

Suggestion is noted.

- 7) *Abandon the existing sewer service to 8870 by cutting off the service and plugging it just outside the MH and also plugging it inside the MH.*

Noted, see response for comment 1 in this section.

**Water Resources Review - Pre-App Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

- 1) *Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan.*

The Stormwater Narrative and Documents meet the requirements outlined in the Bloomington Comprehensive Surface Water Management Plan.

- 2) *HDPE pipe connections into all concrete structures must be made with water tight materials utilizing an A-Lok or WaterStop gasket or boot, cast-in-place rubber boot, or approved equal. Where the alignment precludes the use of the above approved watertight methods, Conseal 231 WaterStop sealant, or approved equal will only be allowed as approved by the*



*Engineer.*

Noted

- 3) *Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits ([www.ninemilecreek.org](http://www.ninemilecreek.org))*

Noted, NMCWD permit and comments will be provided once received.

- 4) *Verify storm sewer pipe elevations, inverts. Plan differs from City GIS data.*

Noted. Could you please provide City GIS data and note where discrepancies occur?

- 5) *See Superfund map attached, requires testing in proposed infiltration area for potential contamination.*

Luther is working with an Environmental Consultant for guidance on viability of infiltration practices based on Phase II's performed on the property.

- 6) *An erosion control bond is required.*

Noted

- 7) *A maintenance agreement must be signed by the property owner and recorded at Hennepin County.*

Noted

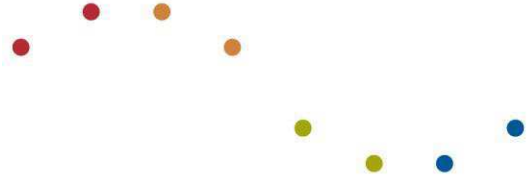
- 8) *A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided.*

The General Contractor will apply for an NPDES permit with the MPCA prior to picking up the parking lot permit. The final approved documents and Stormwater Narrative and any subsequent issued documents prior to construction will act as the SWPPP.

- 9) *Show erosion control BMP locations on the plan.*

Noted, all BMPs are shown on plan. Any changes or additions throughout construction will be documented by the General Contractor and remain on site as modifications to the SWPPP.

- 10) *List erosion control maintenance notes on the plan.*



Erosion Control notes are listed on C3.1 – Grading, Drainage, Paving, & Erosion Control, and C3.2 – SWPPP Notes.

*11) Provide storm sewer maintenance agreement filed with Hennepin County.*

The storm sewer maintenance agreement will be sent to the City once it has been recorded with the County.

*12) Provide details for storm sewer detention system.*

The underground system details can be provided once the bid is awarded.

*13) CB #101, Can Preserver handle three inlet pipes?*

Plans have been revised to add MH #100 downstream of CB #101 to simplify Preserver design.

**PW Admin Review - Pre-App Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

*1) Private common utility easement/agreement must be provided. Update existing.*

Luther will work with the City on easements and agreements that require updating.

*2) Private common driveway/access easement/agreement must be provided. Update existing with 8850 Wentworth Ave. Address Roadway easement.*

**Luther will work with the City on easements and agreements that require updating.**

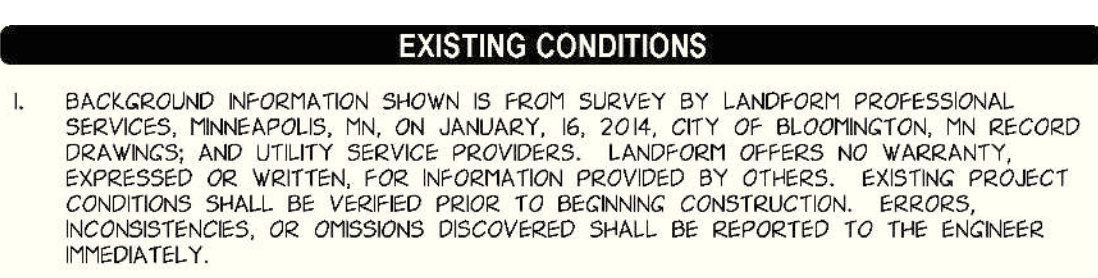
Sincerely,  
Landform

Steve Sabraski, PE  
Principal









**DEVELOPER**

**MOTORS MANAGEMENT CORPORATION**

3701 ALABAMA AVENUE SOUTH  
ST. LOUIS PARK, MN 55416  
TEL (952)258-8800 • FAX (952)258-3900



**MUNICIPALITY**

**CITY OF**  
**BLOOMINGTON**

PROJECT  
**WENTWORTH  
STORAGE LOT**  
BLOOMINGTON, MN

SHEET INDEX	
SHEET	TITLE
C0.1	CIVIL & LANDSCAPE TITLES SHEET
C1.1	EXISTING CONDITIONS
C1.2	DEMOLITION
C2.1	SITE PLAN
C2.2	SITE PHOTOMETRICS
C2.3	SITE PHOTOMETRICS CUT SHEETS
C3.1	GRADING, DRAINAGE, PAVING & EROSION CONTROL
C3.2	SWEEP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
L2.1	LANDSCAPE

ISSUE / REVISION HISTORY		
CONTACT ENGINEER FOR ANY PRIOR HISTORY		
DATE	ISSUE / REVISION	REVIEW
07 SEP 2016	OWNER REVIEW	SES
08 SEP 2016	DRG SUBMITTAL	SES
02 SEP 2016	CITY SUBMITTAL	SES
26 SEP 2016	OWNER REVIEW	SES
27 SEP 2016	PORTAL DRG SUBMITTAL	SES

## PROJECT MANAGER REVIEW

## CERTIFICATION

I hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly licensed Professional Engineer under the laws of the state of MINNESOTA.

**PRELIMINARY  
NOT FOR  
CITATION**

Signature shows a digital record of the signatory. What is your copy of  
this plan file at Landform? \_\_\_\_\_  
available upon request.

---

---

---

IF THE SIGNATURE, SEAL OR FOLD LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

---

**FORMAL DRG SUBMITTAL**

**FORMAL DRC SUBMITTAL**  
SEPTEMBER 27, 2016

LAND FORM  
From Site to Finish

105 South Fifth Avenue  
Suite 513  
Minneapolis, MN 55401

Tel: 612-252-9070  
Fax: 612-252-9077  
Web: [landform.net](http://landform.net)

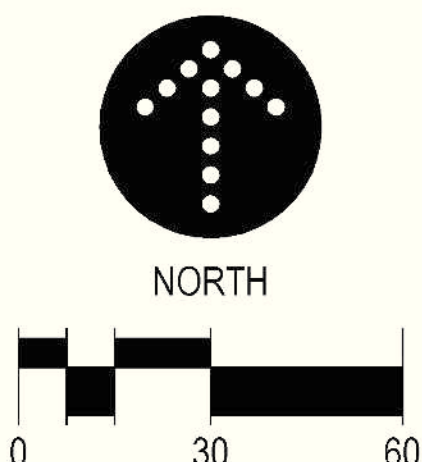
FILE NAME C101LUT036.DWG

PROJECT NO. LUT16036

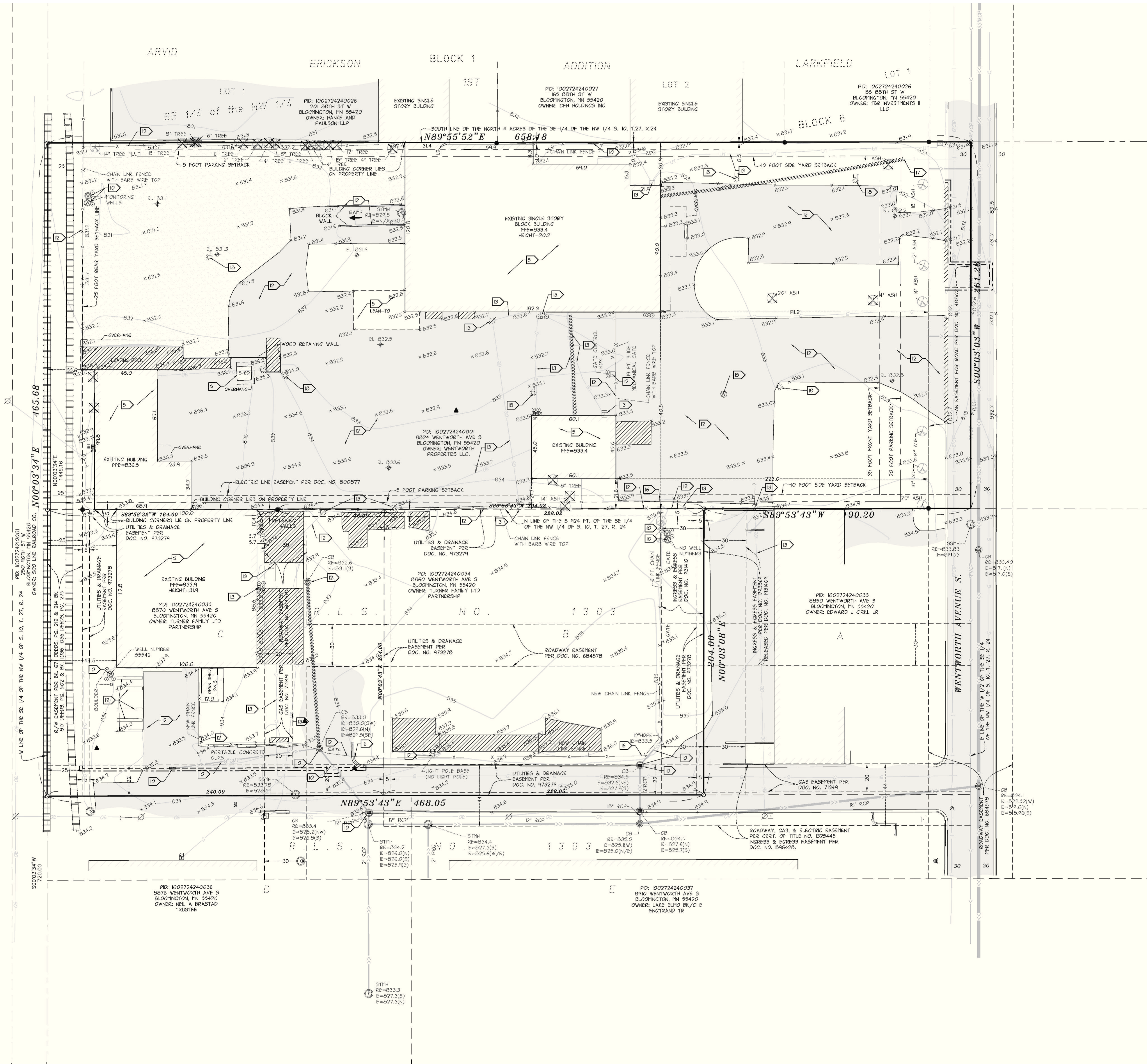
### EXISTING CONDITIONS

## C1.1

\_\_\_\_\_







- GENERAL NOTES**
- FOR CONSTRUCTION STAKING AND SURVEYING SERVICES CONTACT LANDFORM PROFESSIONAL SERVICES AT 612.252.9070.
  - OBTAIN PERMITS FOR DEMOLITION, CLEARING, AND DISPOSAL PRIOR TO BEGINNING.
  - CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING DEMOLITION AND CLEARING.
  - SEE SHEET C3.1 FOR EROSION PREVENTION AND SEDIMENT CONTROL MEASURES THAT MUST BE IN PLACE PRIOR TO DISTURBANCES TO SITE.
  - BUILDING DEMOLITION: VERIFY WITH OWNER THAT BUILDING HAS BEEN CLEARED OF REGULATED MATERIALS REQUIRING SPECIAL HANDLING OR DISPOSAL. REMOVE STRUCTURE, COLLINGS, GABLES, FOOTINGS, FOUNDATIONS, AND ANY ASSOCIATED CONSTRUCTION IN ITS ENTIRETY.
  - DIMENSIONS SHOWN FOR REMOVAL ARE APPROPRIATE. COORDINATE WITH NEW CONSTRUCTION TO ENSURE APPROPRIATE REMOVAL OF EXISTING FACILITIES.
  - REFER TO DETAILS FOR PAVEMENT SAWCUT, REMOVE CONCRETE WALKS AND CURBING TO THE NEAREST EXISTING JOINT BEYOND CONSTRUCTION LIMITS.
  - COMPLETE DEMOLITION WITH MINIMAL DISRUPTION OF TRAFFIC. COORDINATE LANE CLOSURES WITH THE REGULATORY AUTHORITY AND PROVIDE ADVANCE NOTIFICATION TO AFFECTED EMERGENCY RESPONSE PROVIDERS.
  - PROVIDE BARRICADES, LIGHTS, SIGNS, TRAFFIC CONTROL, AND OTHER MEASURES NECESSARY FOR PROTECTION AND SAFETY OF THE PUBLIC AND MAINTAIN THROUGHOUT CONSTRUCTION.
  - PROTECT STRUCTURES, UTILITIES, TREES, PLANT MATERIAL, SOIL, AND ADJACENT PROPERTY FROM DAMAGE DURING CONSTRUCTION UNLESS NOTED FOR REMOVAL. DAMAGE SHALL BE REPAIRED TO EQUAL OR BETTER CONDITION AT NO ADDITIONAL COST.
  - REMOVE TREES NOTED, INCLUDING ROOT STRUCTURES, FROM THE SITE. COORDINATE WITH OWNER TO MARK TREES TO BE SAVED OR TRANSPLANTED PRIOR TO CLEARING.
  - REMOVE EXISTING SITE FEATURES INCLUDING, BUT NOT LIMITED TO, UNDERGROUND UTILITIES, PAVING, CURBING, WALKWAYS, FENCING, RETAINING WALLS, SCREEN WALLS, APRONS, LIGHTING, RELATED FOUNDATIONS, SIGNAGE, BOLLARDS, LANDSCAPING, AND STAIRWAYS WITHIN THE CONSTRUCTION LIMITS UNLESS NOTED OTHERWISE.
  - COORDINATE REMOVAL, RELOCATION, TERMINATION, AND RE-USE OF EXISTING PRIVATE UTILITY SERVICES AND APPURTENANCES WITH THE UTILITY COMPANIES. RESTORE ELECTRIC HANDHOLES, PULLBOXES, POWERPOLES, OUTLINES, AND STRUCTURES DISTURBED BY CONSTRUCTION IN ACCORDANCE WITH UTILITY OWNER REQUIREMENTS.
  - HALL DEMOLITION DEBRIS OFF-SITE TO A FACILITY APPROVED BY REGULATORY AUTHORITIES FOR THE HANDLING OF DEMOLITION DEBRIS, UNLESS NOTED OTHERWISE.
  - ABANDON WELLS AND ON SITE SEWAGE FACILITIES PRIOR TO ANY OTHER DEMOLITION IN ACCORDANCE WITH REQUIREMENTS OF REGULATORY AUTHORITIES.
  - PROTECT FENCE.
  - USE EXISTING WATER SERVICE FOR LANDSCAPE IRRIGATION SYSTEM.
  - SALVAGE AND REUSE EXISTING LIGHT POLES AND FIXTURES. SEE SHEET C2.2 FOR MORE INFORMATION.

- LEGEND**
- ✕ TREE REMOVAL
  - TREE PROTECTION
  - ▨ PAVEMENT REMOVAL
  - ▨ CURB REMOVAL
  - CONSTRUCTION LIMITS
  - PAVEMENT SAWCUT
  - ⊕ SOIL BORING
  - XXXXXXXXXXXXX UTILITY REMOVAL

**DEVELOPER**  
**MOTORS MANAGEMENT CORPORATION**  
3701 ALABAMA AVENUE SOUTH  
ST. LOUIS PARK, MN 55416  
TEL: (612) 269-8800 • FAX: (612) 269-9000

**MUNICIPALITY**  
**BLOOMINGTON**

**PROJECT**  
**WENTWORTH STORAGE LOT**  
**BLOOMINGTON, MN**

**SHEET INDEX**

SHEET	TITLE
C2.1	CIVIL & LANDSCAPE TITLE SHEET
C2.1	EXISTING CONDITIONS
C2.1	DEMOLITION
C2.1	CONSTRUCTION
C2.1	LANDSCAPE
C2.1	UTILITY
C2.1	CONSTRUCTION DETAILS
C2.1	CONSTRUCTION DETAILS
C2.1	LANDSCAPE

**ISSUE / REVISION HISTORY**

DATE	ISSUE / REVISION	REVIEW
07 SEP 2016	OWNER REVIEW	SEP
08 SEP 2016	DWG SUBMITTAL	SEP
12 SEP 2016	CITY SUBMITTAL	SEP
26 SEP 2016	OWNER REVIEW	SEP
27 SEP 2016	FORMAL DRC SUBMITTAL	SEP

**PROJECT MANAGER REVIEW**

DATE: 09/27/2016

**CERTIFICATION**

**PRELIMINARY NOT FOR CONSTRUCTION**

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT PRESENT, THIS DRAWING IS NOT A VALID DOCUMENT. IT IS THE RESPONSIBILITY OF THE USER TO OBTAIN A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

**FORMAL DRC SUBMITTAL**  
SEPTEMBER 27, 2016

**LANDFORM**  
From Site to Finish

105 South Fifth Avenue  
Suite 513  
Minneapolis, MN 55401

Tel: 612-252-9070  
Fax: 612-252-9077  
Web: landform.net

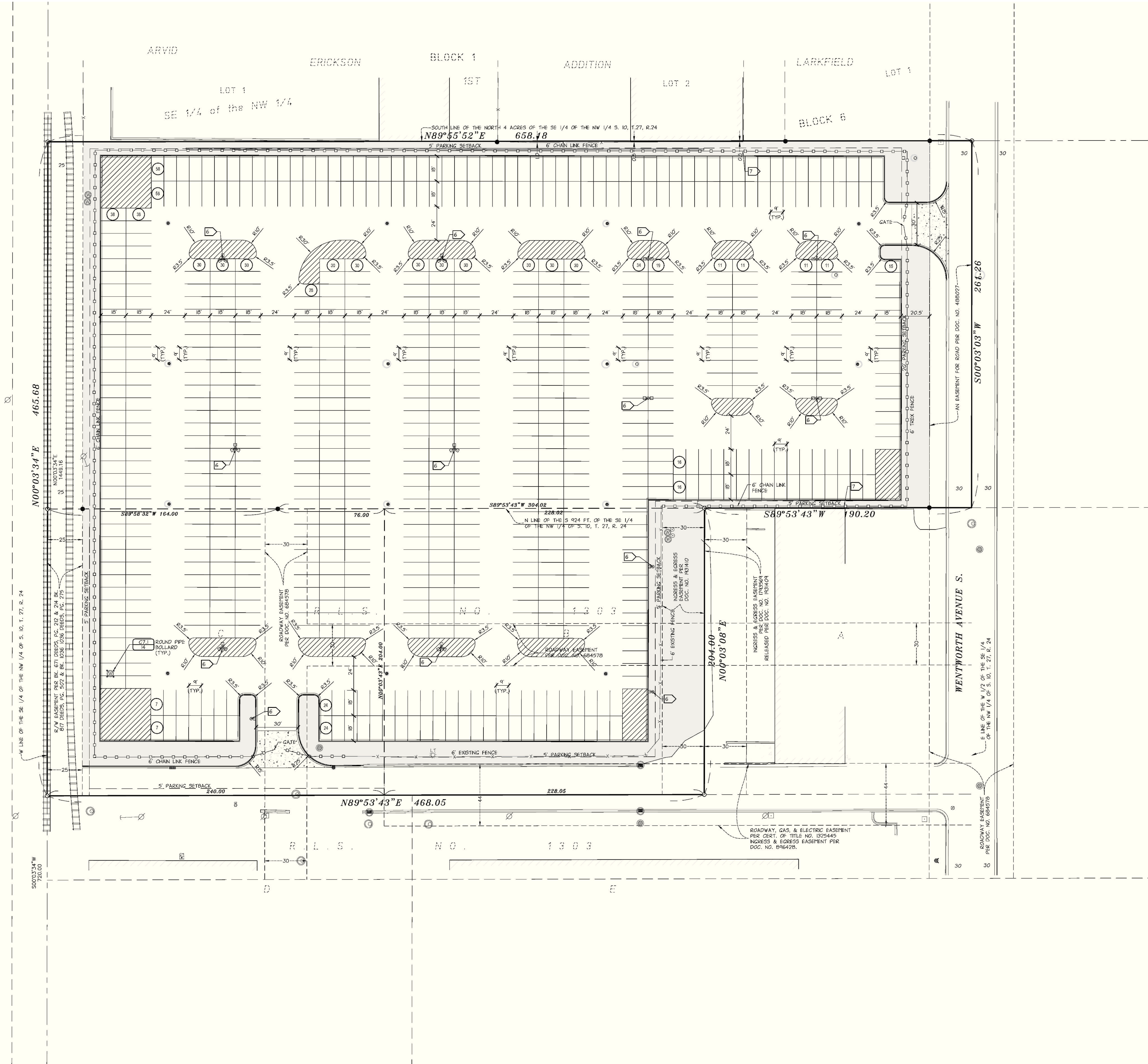
FILE NAME: C:\02\UT036.DWG  
PROJECT NO.: LUT16036  
DEMOLITION  
**C1.2**

**811**  
Know what's Below.  
Call before you dig.

**NORTH**

0 30 60





**GENERAL NOTES**

- FOR CONSTRUCTION STAKING AND SURVEYING SERVICES CONTACT LANDFORM PROFESSIONAL SERVICES AT 612.252.9070.

**SITE PLAN NOTES**

- OBTAIN ALL NECESSARY PERMITS FOR CONSTRUCTION WITHIN, OR USE OF, PUBLIC RIGHT-OF-WAY.
- THE DIGITAL FILE, WHICH CAN BE OBTAINED FROM THE ENGINEER, SHALL BE USED FOR STAKING. DISCREPANCIES BETWEEN THE DRAWINGS AND THE DIGITAL FILE SHALL BE REPORTED TO THE ENGINEER. THE BUILDING FOOTPRINT, AS SHOWN ON THESE DRAWINGS, AND THE DIGITAL FILE, SHALL BE COMPARED TO THE STRUCTURAL DRAWINGS PRIOR TO STAKING.
- DELINATE PARKING STALLS WITH A 4-INCH WIDE WHITE PAINTED STRIPE. DELINATE ACCESS AISLES WITH 4-INCH WIDE WHITE PAINTED STRIPES 18 INCHES ON CENTER AND AT 45 DEGREE ANGLE TO DIRECTION OF TRAVEL.
- LOT LIGHTS. REFER TO SHEET C2.2 & C2.3 FOR MORE INFORMATION.
- TERMINATION OF TREX FENCE AND TRANSITION TO CHAIN LINK FENCE.

GREEN SPACE (LANDSCAPE AREA)

**PARKING SUMMARY**

PROVIDED PARKING:		
STANDARD STALLS	(9x18)	756 EA.
TOTAL PARKING STALLS PROVIDED		756 EA.

**AREA SUMMARY**

EXISTING:		
PERVIOUS	26,534 S.F.	10.2%
IMPERVIOUS	233,204 S.F.	89.8%
TOTAL (5.963 AC)	259,738 S.F.	100.0%

**PROPOSED:**

PERVIOUS	25,532 S.F.	9.8%
IMPERVIOUS	234,206 S.F.	90.2%
TOTAL (5.963 AC)	259,738 S.F.	100.0%

**ZONING AND SETBACK SUMMARY**

THE PROPERTY IS ZONED I-3 (GENERAL INDUSTRY)

PARKING SETBACK INFORMATION IS AS FOLLOWS:

FRONT YARD = 20 FT.

REAR = 5 FT.

SIDE (INTERIOR) = 5 FT.

SIDE (STREET) = 20 FT.

LOT COVERAGE INFORMATION IS AS FOLLOWS:

LOT WIDTH MINIMUM = 100 FT.

TOTAL SITE AREA = 259,738 S.F. = 5.96 ACRES

**DEVELOPER**

**MOTORS MANAGEMENT CORPORATION**

3701 ALABAMA AVENUE SOUTH  
ST. LOUIS PARK, MN 55416  
TEL (612) 259-8800 - FAX (612) 259-8900

**MUNICIPALITY**

**BLOOMINGTON**

**PROJECT**

**WENTWORTH STORAGE LOT**

**BLOOMINGTON, MN**

**SHEET INDEX**

SHEET	TITLE
C2.1	CIVIL & LANDSCAPE TITLE SHEET
C2.2	PARKING CONDITIONS
C2.3	SITE PLAN
C2.4	SITE PHOTOGRAPHS
C2.5	SITE PHOTOGRAPHS CUT SHEETS
C2.6	GRADING, DRAINAGE, PAVING & EROSION CONTROL
C2.7	UTILITIES
C2.8	CIVIL CONSTRUCTION DETAILS
C2.9	CIVIL CONSTRUCTION DETAILS
C2.10	LANDSCAPE

**ISSUE / REVISION HISTORY**

DATE	ISSUE / REVISION	REVIEW
07 SEP 2016	OWNER REVIEW	SEP
08 SEP 2016	DWG SUBMITTAL	SEP
12 SEP 2016	CITY SUBMITTAL	SEP
26 SEP 2016	OWNER REVIEW	SEP
27 SEP 2016	FINAL DRC SUBMITTAL	SEP

**PROJECT MANAGER REVIEW**

09/30/16 09/30/2016

**CERTIFICATION**

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Minnesota. I am not providing engineering services to any other party for this project.

**PRELIMINARY NOT FOR CONSTRUCTION**

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT PRESENT, THIS PLAN SHALL BE REPRODUCED WITHOUT THE SIGNATURE AND SEAL. IF THE SIGNATURE AND SEAL ARE PRESENT, THIS PLAN SHALL BE REPRODUCED WITHOUT THE SIGNATURE AND SEAL. IF THE SIGNATURE AND SEAL ARE PRESENT, THIS PLAN SHALL BE REPRODUCED WITHOUT THE SIGNATURE AND SEAL.

**FORMAL DRC SUBMITTAL**

SEPTEMBER 27, 2016

**LANDFORM**

From Site to Finish

105 South Fifth Avenue  
Suite 519  
Minneapolis, MN 55401

Tel: 612-252-9070  
Fax: 612-252-9077  
Web: landform.net

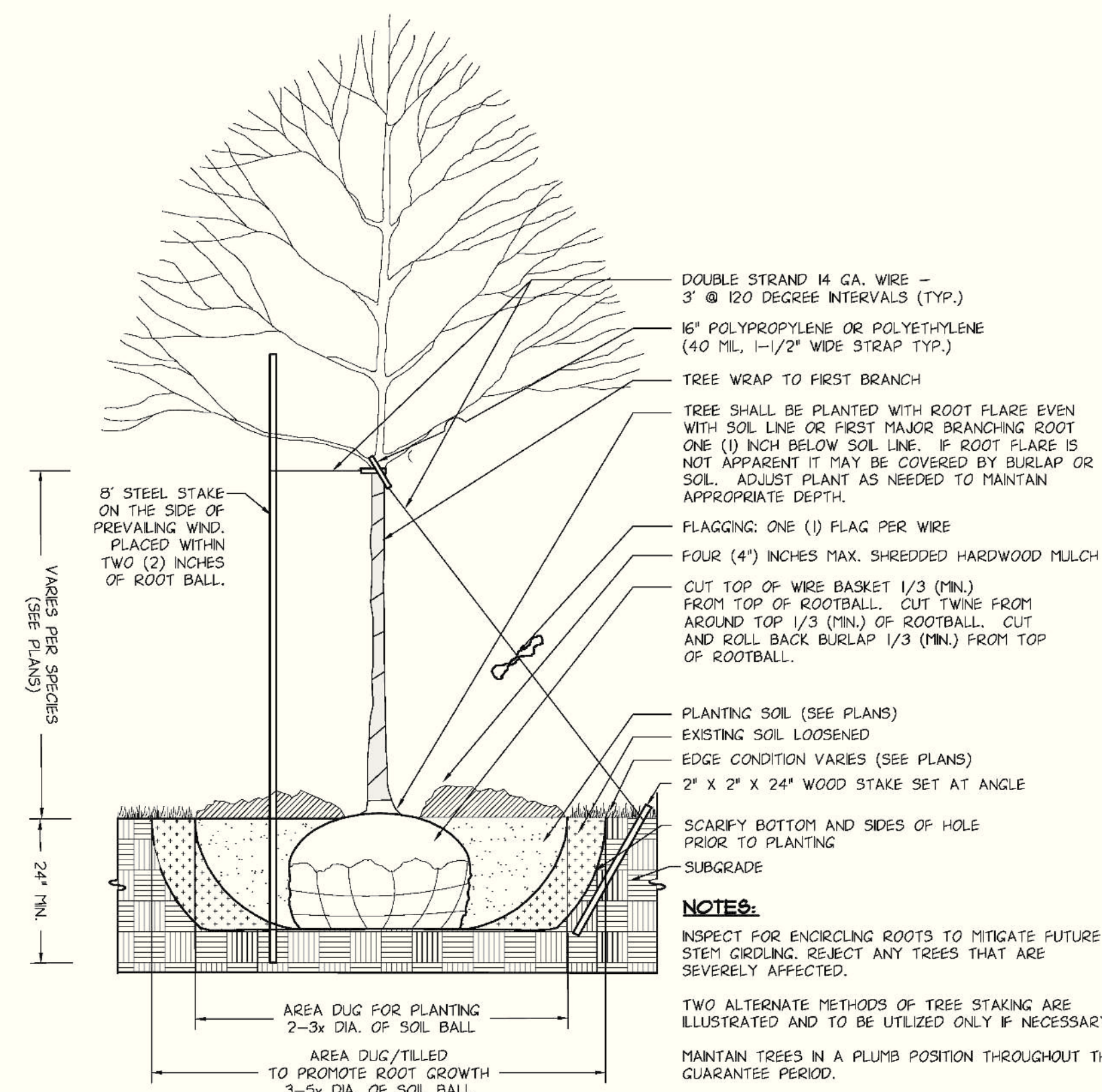
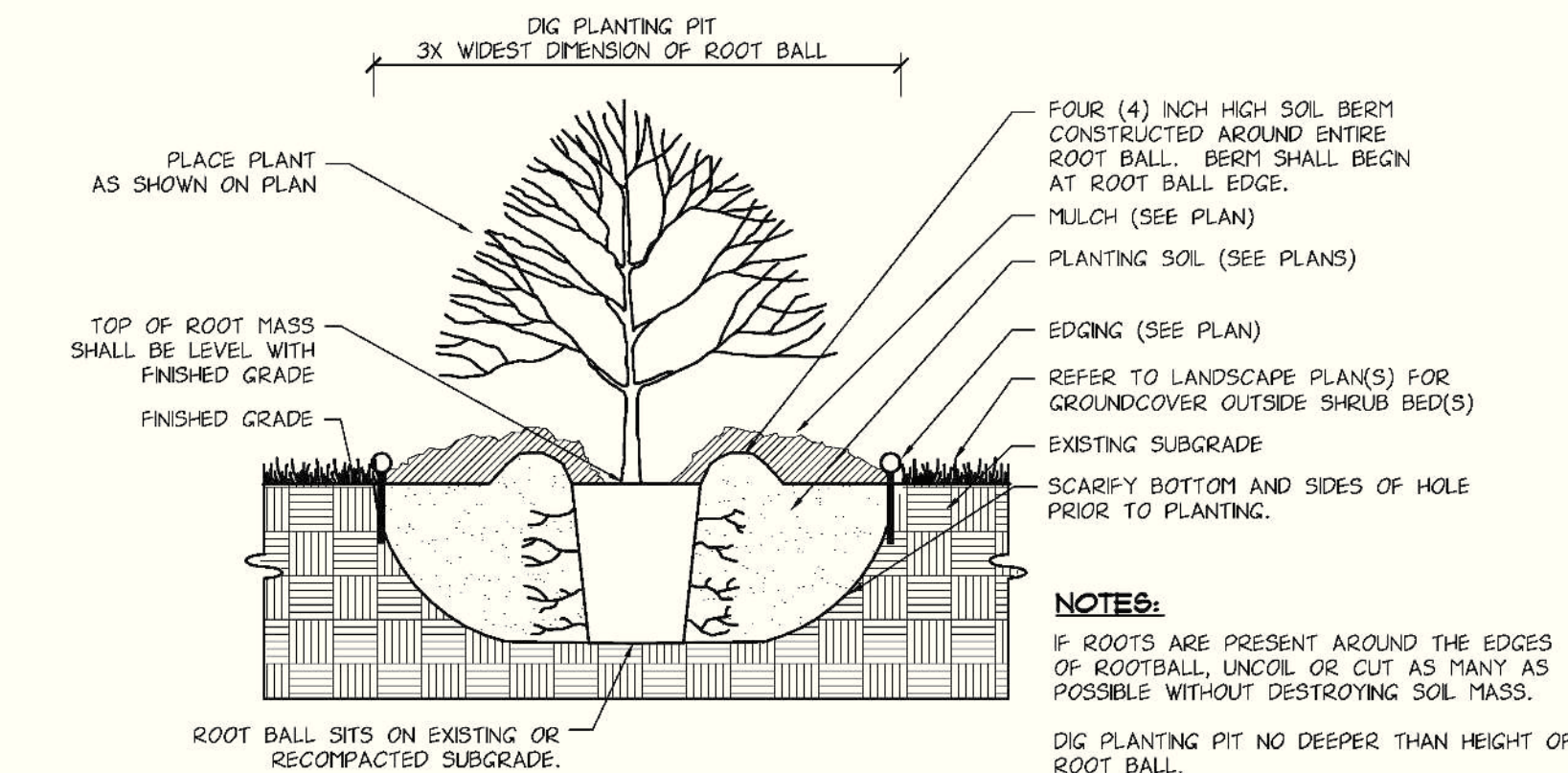
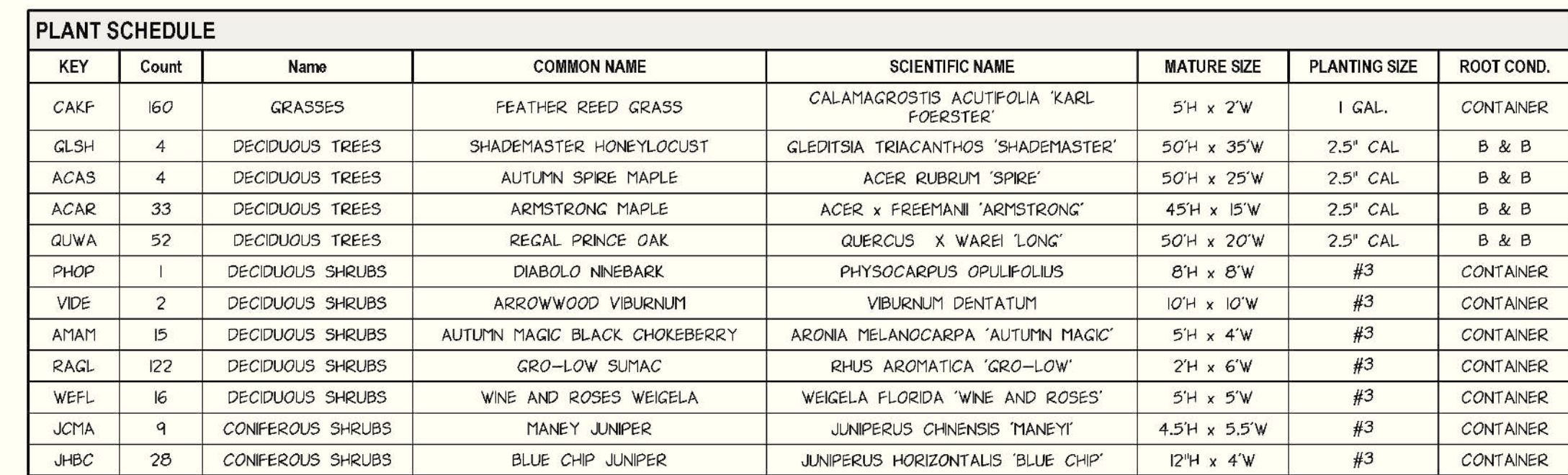
FILE NAME: C201LUT036.DWG

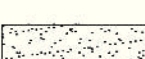
PROJECT NO.: LUT16036


**SITE PLAN**

**C2.1**





- LANDSCAPE REQUIREMENTS**
- CITY OF BLOOMINGTON, MN CODE:
- ONE (1) TREE PER 2,500 SQ. FT. OF DEVELOPABLE LANDSCAPE AREA.  
237,840 SQ. FT. / 2,500 = **93 TREES REQUIRED**  
**93 TREES PROVIDED**
- ONE (1) SHRUB PER 1,000 SQ. FT. OF DEVELOPABLE LANDSCAPE AREA.  
237,840 / 1,000 = 238 SHRUBS REQUIRED  
93 SHRUBS + 160 PERENNIALS (=40 SHRUBS)  
**233 SHRUBS PROVIDED**
- LEGEND**
- : DENOTES AREA TO BE ROCK MULCH

DEVELOPER	
<b>MOTORS MANAGEMENT CORPORATION</b> 3701 ALABAMA AVENUE SOUTH ST. LOUIS PARK, MN 55416 TEL. (612)258-8800 FAX (612)258-4900	
<b>MUNICIPALITY</b> 	
<b>PROJECT</b> <b>WENTWORTH STORAGE LOT</b> <b>BLOOMINGTON, MN</b> <b>SHEET INDEX</b>	
SHEET	TITLE
C01	CIVIL & LANDSCAPE SITE SHEET
C02	EXISTING CONDITIONS
C03	OPERATION
C04	216 RAMP
C22	SITE PHOTOGRAPHS
C23	SITE PHOTOGRAPHS CUT SHEETS
C31	GRADING, DRAINAGE, PAVING & EROSION CONTROL
C32	SWAMP DETAILS
C41	UTILITIES
C42	CIVIL CONSTRUCTION DETAILS
C72	CIVIL CONSTRUCTION DETAILS
L01	LANDSCAPE

ISSUE / REVISION HISTORY		
CONTACT ENGINEER FOR ANY PRIOR HISTORY		
DATE	ISSUE / REVISION	REVIEW
07 SEP 2016	OWNER REVIEW	SES
08 SEP 2016	DRG SUBMITTAL	SES
02 SEP 2016	CITY SUBMITTAL	SES
26 SEP 2016	OWNER REVIEW	SES
27 SEP 2016	FORMAL DRG SUBMITTAL	SES

<b>PROJECT MANAGER REVIEW</b>	
BY SLS	DATE 09.27.2015
<b>CERTIFICATION</b>	

hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

\_\_\_\_\_  
 Date: \_\_\_\_\_  
 \_\_\_\_\_  
 License No.: 49721

This plan is shown as a formal record of the work done and is not to be used as a basis for any other work. It is the property of the Minnesota State Board of Engineering and Surveying and is loaned to you for your use only. It is to be returned to the Board when it is no longer needed.

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT  
VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED  
READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT  
THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

---

**FORMAL DRC SUBMITTAL**  
SEPTEMBER 27, 2016

LAND FORM  
From Site to Finish

105 South Fifth Avenue  
Suite 513  
Minneapolis, MN 55401

Tel: 612-252-9070  
Fax: 612-252-9077  
Web: [landform.net](http://landform.net)

FILE NAME	L201LUT036.DWG
PROJECT NO.	LUT16036

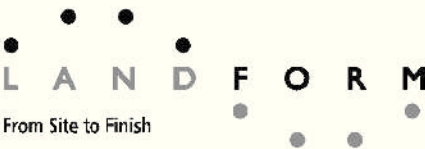
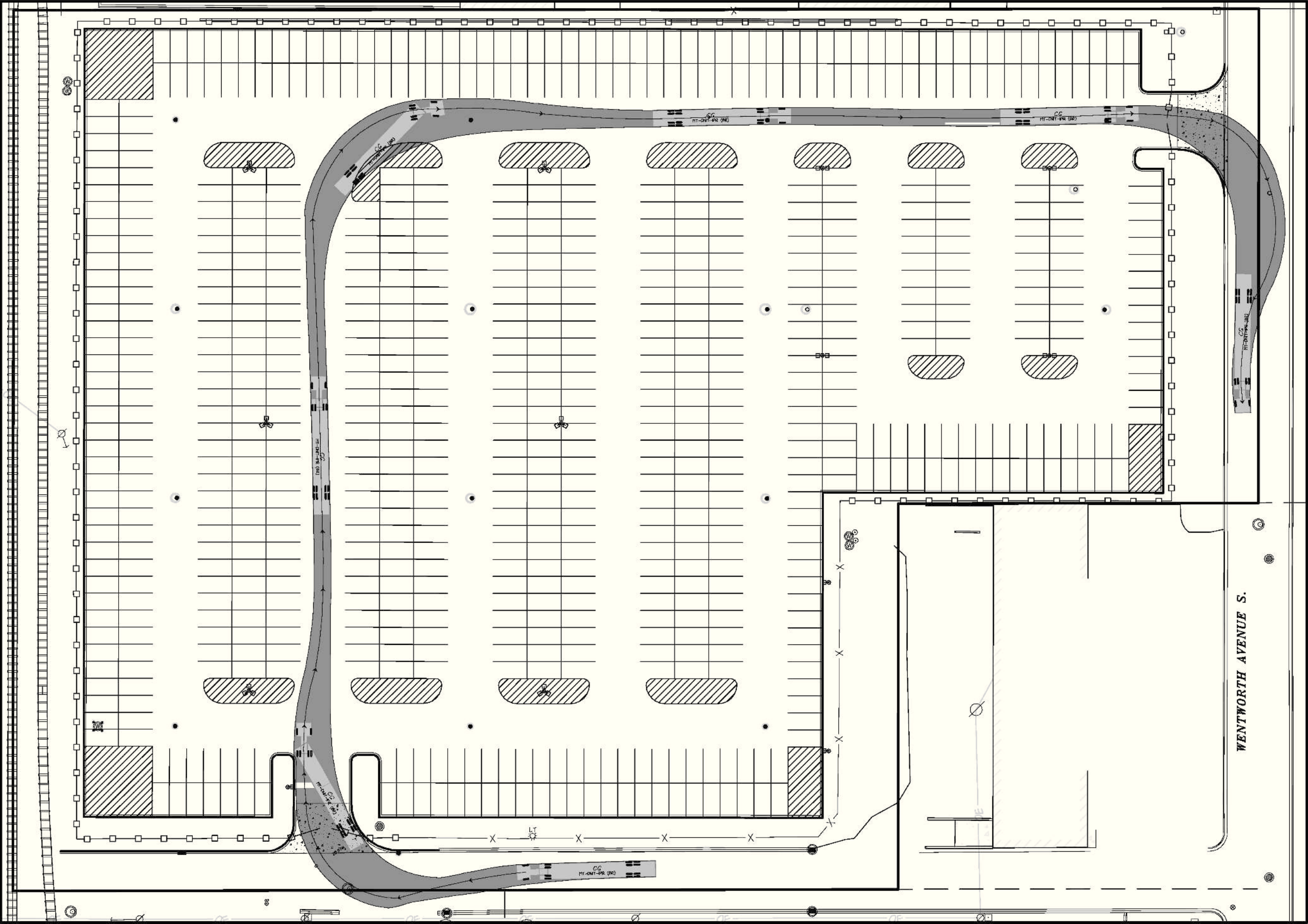
LANDSCAPE PLAN

## L2.1

Landform® and Nite-In-Pink® are registered service marks of Southern Dimensional Services LLC.



WENTWORTH STORAGE LOT  
BLOOMINGTON, MN



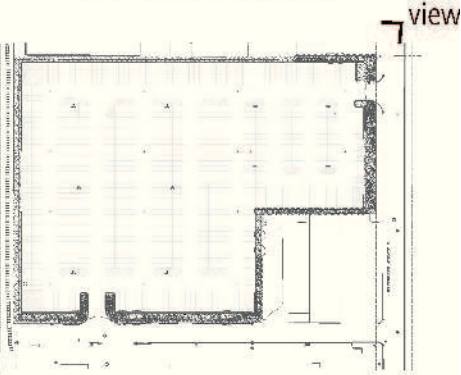
AUTOTURN  
EXHIBIT

09.27.2016





WENTWORTH PROPERTY  
BLOOMINGTON, MN



STREET VIEWS: EXISTING (TOP)  
PROPOSED (BOTTOM)

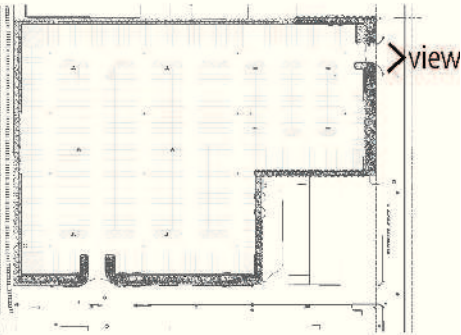
10.17.16

Landform® and Site to Finish® are registered service marks of Landform Professional Services, LLC.





WENTWORTH PROPERTY  
BLOOMINGTON, MN



STREET VIEWS: EXISTING (TOP)  
PROPOSED (BOTTOM)

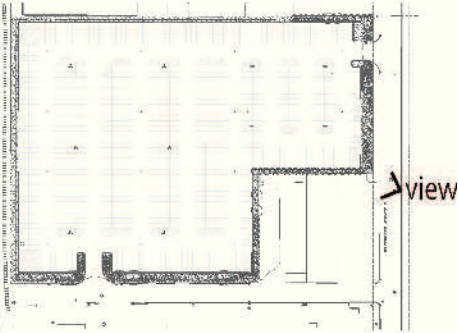
10.17.16

Landform® and Site to Finish® are registered service marks of Landform Professional Services, LLC.





WENTWORTH PROPERTY  
BLOOMINGTON, MN



STREET VIEWS: EXISTING (TOP)  
PROPOSED (BOTTOM)



## Urban Heat Islands

On a hot, sunny day if we wear dark clothes, we feel warm. Dark colors **absorb** more heat than light colors. We experience rising heated air when we walk across a paved parking lot on a sunny, summer day. The heat stored in the pavement warms the air and sends out energy in the form of heat to our bodies. On the other hand, when we sit under a tree, we feel cool. The moisture in trees and the shade they provide cools the area around them.

### What is an urban heat island?

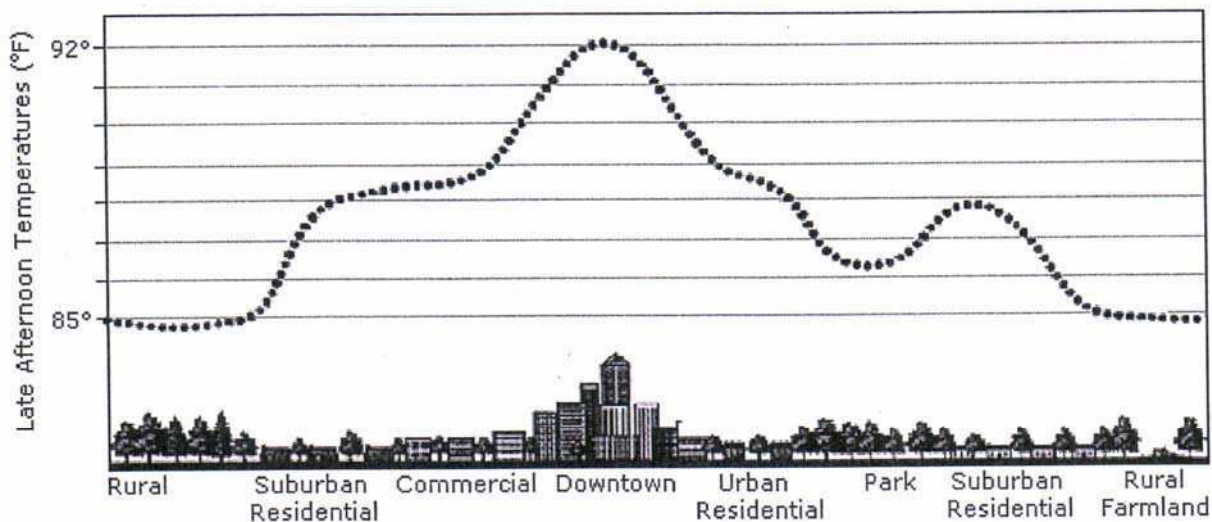
Temperatures are not the same across a city area. The amount of vegetation (such as trees and grass) and colors of building materials affect temperatures. **Generally the darker and denser the building materials, the higher the temperatures.** Asphalt in parking lots and on rooftops, in particular, **absorb** heat from the sun's light. This heat is then **released** as infrared light (invisible to our eyes) into the surrounding air.

**Color** is a very important factor in heat gain. Dark colored materials such as asphalt used for building roads and for roofing tiles **absorb** more heat from the sun than materials with lighter colors such as white roofing shingles or cement. Lighter colors **reflect** the rays of the sun back into the atmosphere, and less heat is built up.

When heat builds up in a city, it creates a hot spot compared to the nearby suburban and rural areas. This hot spot is called an **urban heat island**.

On warm summer days, the air in urban areas can be 6-8°F hotter than its surrounding areas. Scientists call these cities "urban heat islands."

Sketch of an Urban Heat-Island Profile



The temperature differences shown in the image above are related to how **materials absorb and release heat**. Asphalt absorbs heat from the sun and quickly releases it as heat radiation. For example, temperatures in the Madison Square Mall parking lot during the summer are as high as 48.9°C (120°F) during the day. Tree islands in the lot are only 31.7°C (89°F)—a difference of 17.2°C (31°F)! Nearby wooded areas are as low as 29.4°C (85°F).

## Reducing Urban Heat Island Effects

There are things that communities can do to reduce the impacts of urban heat islands. These **heat island reduction strategies** include:

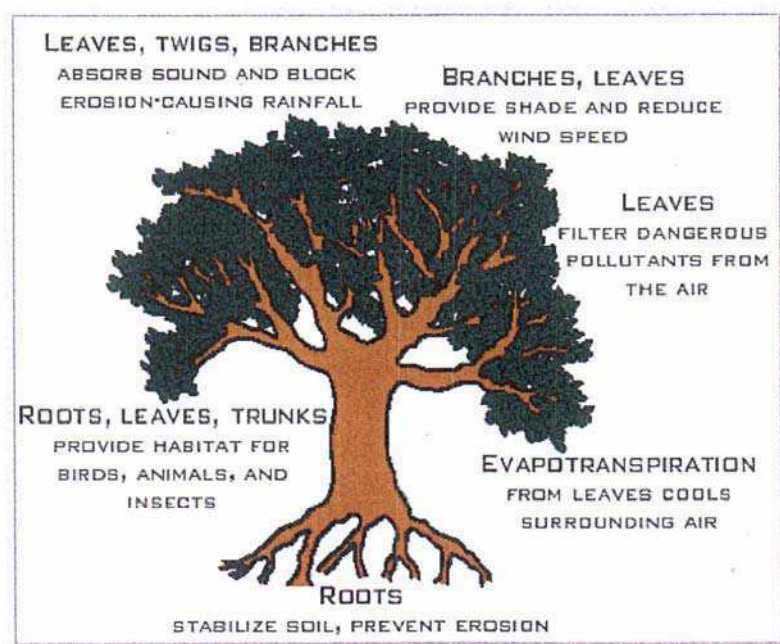
- Planting trees and vegetation;
- Installing cool or vegetated green roofs; and
- Switching to cool paving materials.

### Reducing Heat Island Effects with Trees and Vegetation

Increasing the cover of trees and vegetation in a city is a simple and effective way to reduce the urban heat island effect. Trees, shrubs, and other plants shade buildings, intercept solar radiation, and cool the air by **evapotranspiration**.

**Evapotranspiration** occurs when plants secrete or **transpire** water through pores in their leaves. In a way, plants sweat like people do. Trees have a large water content and release water into the atmosphere to keep cool. A mature tree with a treetop of 30 feet can "*evapotranspire*" up to 40 gallons of water a day. This is similar to removing all the heat produced in four hours by a small electric space heater.

Compared to other surfaces found in cities, trees absorb a lot of the incoming heat and release it over a longer period of time. Further, trees also benefit the environment in a number of other ways as described in the image below.





# Development Review Committee

## Approved Minutes

Development Application, #PL201600161

Mtg Date: October 4, 2016

McLeod Conference Room

Bloomington Civic Plaza

1800 West Old Shakopee Road

Laura McCarthy (Fire Prev, Chair) 952-563-8965  
Randy Quale (Park & Rec) 952-563-8876  
Duke Johnson (Bldg & Insp) 952-563-8959  
Jen Desrude (Eng.) 952-563-4862  
Eric Wharton (Utilities) 952-563-4579  
Tim Kampa (Utilities) 952-563-8776

Kent Smith (Assessing) 952-563-8707  
Erik Solie (Env. Health) 952-563-8978  
Amanda Johnson (Bldg & Insp) 952-563-8961  
Heidi Miller (Police) 952-563-4975  
Michael Centinario (Planning) 952-563-8921

### Project Information:

Project	CUP, Final Site and Building Plans, and Tax Parcel Consolidation for Auto Inventory Lot
Site Address	8860 WENTWORTH AVE S 8870 WENTWORTH AVE S 8824 WENTWORTH AVE S
Plat Name	10 027 24; REGISTERED LAND SURVEY NO 1303; REGISTERED LAND SURVEY NO 1303
Project Description	Conditional Use Permit Final Site and Building Plans Tax Parcel Consolidation for Auto Inventory Lot at 8824, 8860, 8870 Wentworth Avenue South
Application Type	Conditional Use Permit Final Site and Building Plan Site Parcel Combination
Staff Contact	Mike Centinario
Applicant Contact	THE LUTHER CO LLLP
PC	10/27/16
CC (tentative)	11/7/16

### Guests Present:

Name	Email
Peter Beck	<a href="mailto:peter@peterbecklaw.com">peter@peterbecklaw.com</a>
Linda McGinty	<a href="mailto:Linda.mcginty@lutherauto.com">Linda.mcginty@lutherauto.com</a>
Kathleen Hammer	<a href="mailto:khammer@landform.net">khammer@landform.net</a>
Sean Murphy	<a href="mailto:smurphy@landform.net">smurphy@landform.net</a>
Steve Sabraski	<a href="mailto:ssabraski@landform.net">ssabraski@landform.net</a>

### Discussion/Comments:

- Mike Centinario (Planning):
  - Applicants are proposing converting 8824, 8860, and 8870 Wentworth Ave to one larger inventory lot and therefore combining 3 parcels into 1 legal parcel. Planning had asked them to prepare an exhibit for truck movement last time, and they have completed that.

- Randy Quale (Park and Recreation):
  - No comment.
- Kent Smith (Assessing):
  - This will be the first of the administrative combining of parcels.
- Erik Solie (Environmental Health):
  - No comment.
- Duke Johnson (Building and Inspection):
  - No comment.
- Laura McCarthy (Fire Prevention):
  - No comment.
- Heidi Miller (Police):
  - No comment.
- Jen Desrude (Engineering)
  - Applicants were asked to provide a storm water management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan. Water Resources now has this and approved this.
  - Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits ([www.ninemilecreek.org](http://www.ninemilecreek.org))
- Tim Kampa (Utilities):
  - Water service at end of building is cut off and there is trouble finding the valve under the road. Work with Utilities to get those abandoned along with sewer service. They are reusing the water service on the 8824 building and it looks like there is a sewer service as well.
    - Applicant asked if that had to be removed in entirety. T. Kampa says it just needs to be cut off at the split. He then asked about future building on site. Applicant answered not at this time. T. Kampa wants to ensure Met Council is aware of SAC credits. Nontransferable to other properties Luther owns.
- Mike Centinaro (Planning):
  - The applicant provided a revised landscape plan prior to the meeting. While the landscape plan meets City Code with regards to the number of plantings, staff has concerns about the plan's design.
  - Extend opaque fence along north property line until it is in-line with building to the north. Extend opaque fence along south property line until it is in-line with building to the south.
    - Applicant answered that C2.1, Note 7 on plans identify the change.
  - Shift fence along Wentworth closer to the inventory lot to allow all plantings to be located between the property line and the fence.
  - While there is a 0.5 footcandle maximum along property lines, the maximum does not apply along public streets. Lighting levels at the north gate may exceed 0.5. Staff recommends 2.0 footcandles at the north gate. There is no limit along public right of way. Recommendation to limit as much as possible.
    - Applicant asked if this is the exterior to street side that needs to be lit to 2.0 footcandles. M. Centinaro replied yes and it is essentially for a security improvement.
    - Applicant asked if the city would be open to something other than direct cut off but something toward the lot with an angle. M. Centinaro mentioned there are some options, and they can figure some things out for that. Applicant was



hoping this would help to limit spillover at property line. They are to work with staff on this.

- Planning staff believes landscape islands should be incorporated into at the end of parking rows. Some of the plantings located along the perimeter could be re-located within islands. As an alternative to traditional 6 inch curbing, the applicant may consider recessed curbing, which would contribute towards managing stormwater.
- This is first conditional use permit to come to council as having discussions on city code. It will be a test case to see what action on this site will be. It may also inform future code amendments; the staff perceptive is to see how should be treating outdoor storage, which is an ongoing discussion.
  - Applicant questioned what the benefit of the islands would be when storage wouldn't be visible from public right of way. That is something that they will be finding out. Applicants plan to carry this issue forward.
- H. Miller asked about potential vehicle fires and if police would need to be responding to someone stealing a vehicle and wondering about what the gate will be for access. Applicants mentioned composite fencing in front. They currently have an electronic fence. That is still unknown at this point as to what the plan will be. L. McCarthy mentioned it depends on what provide for override and working on what works for both fire and police at this point. There was thought of a key box which would require a column. Another thought is a Knox Box which has a barrel key mechanism that could be used here. Applicants are to maintain the emergency access points and provide adequate turning radius to any existing structures and through the parking area.
- M. Centinario added that with delivery and unloading, the trucks enter through the south gate and exit through the north gate. Staff believes this is the best alternative and will be recommending the condition to ensure no idling trucks on Wentworth.
- K. Smith asked the applicants when they hoping to start?
  - Applicant answered next fall.
- Applicant asked about maintaining water supply.
  - L. McCarthy wants to ensure any changes that occur don't inhibit hydrant coverage. Applicants are to maintain the water supply.
- The Planning Commission public hearing is scheduled for October 27<sup>th</sup>. City Council meeting tentatively scheduled for November 7<sup>th</sup>.



## Comment Summary

PL201600161

**Application #:** PL201600161

**Address:** 8860 WENTWORTH AVE S, BLOOMINGTON, MN 554208870  
WENTWORTH AVE S, BLOOMINGTON, MN 554208824 WENTWORTH  
AVE S, BLOOMINGTON, MN 55420.

**Request:** **Conditional Use Permit, Final Site and Building Plans, and Tax Parcel Consolidation for Auto Inventory Lot at 8824, 8860, 8870 Wentworth Avenue South**

**Meeting:** Pre-Application DRC – September 13, 2016  
Post Application DRC – October 4, 2016  
Planning Commission – October 27, 2016  
City Council (tentative) – November 07, 2016

---

**Planning Review Contact:** Mike Centinario at mcentinario@BloomingtonMN.gov, (952) 563-8921

- 1) Extend opaque fence along north property line until it is in-line with building to the north.
- 2) Extend opaque fence along south property line until it is in-line with building to the south.
- 3) Shift fence along Wentworth closer to the inventory lot to allow all plantings to be located between the property line and the fence.
- 4) Planning staff believes landscape islands should be incorporated into at the end of parking rows. Some of the plantings located along the perimeter could be re-located within islands. As an alternative to traditional 6 inch curbing, the applicant may consider recessed curbing, which would contribute towards managing stormwater.
- 5) While there is a 0.5 footcandle maximum along property lines, the maximum does not apply along public streets. Lighting levels at the north gate may exceed 0.5. Staff recommends 2.0 footcandles at the north gate.

**Fire Department Review Contact:** Laura McCarthy at lmccarthy@BloomingtonMN.gov, (952) 563-8965

- 1) Maintain water supply, emergency access and provide adequate turning radius to any existing structures and through the parking area.

**Utility Review Contact:** Jen Desrude at jdesrude@BloomingtonMN.gov, (952) 563-4862

- 1) See comments from pre-application DRC.

**Construction/Infrastructure Review Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

- 1) Remove this section of curb along Wentworth as well, instead of leaving it to "float"
- 2) May want to consider enlarging this radius to 25' as well, should a vehicle in the future use north Wentworth instead of south. (suggestion only, not requirement)

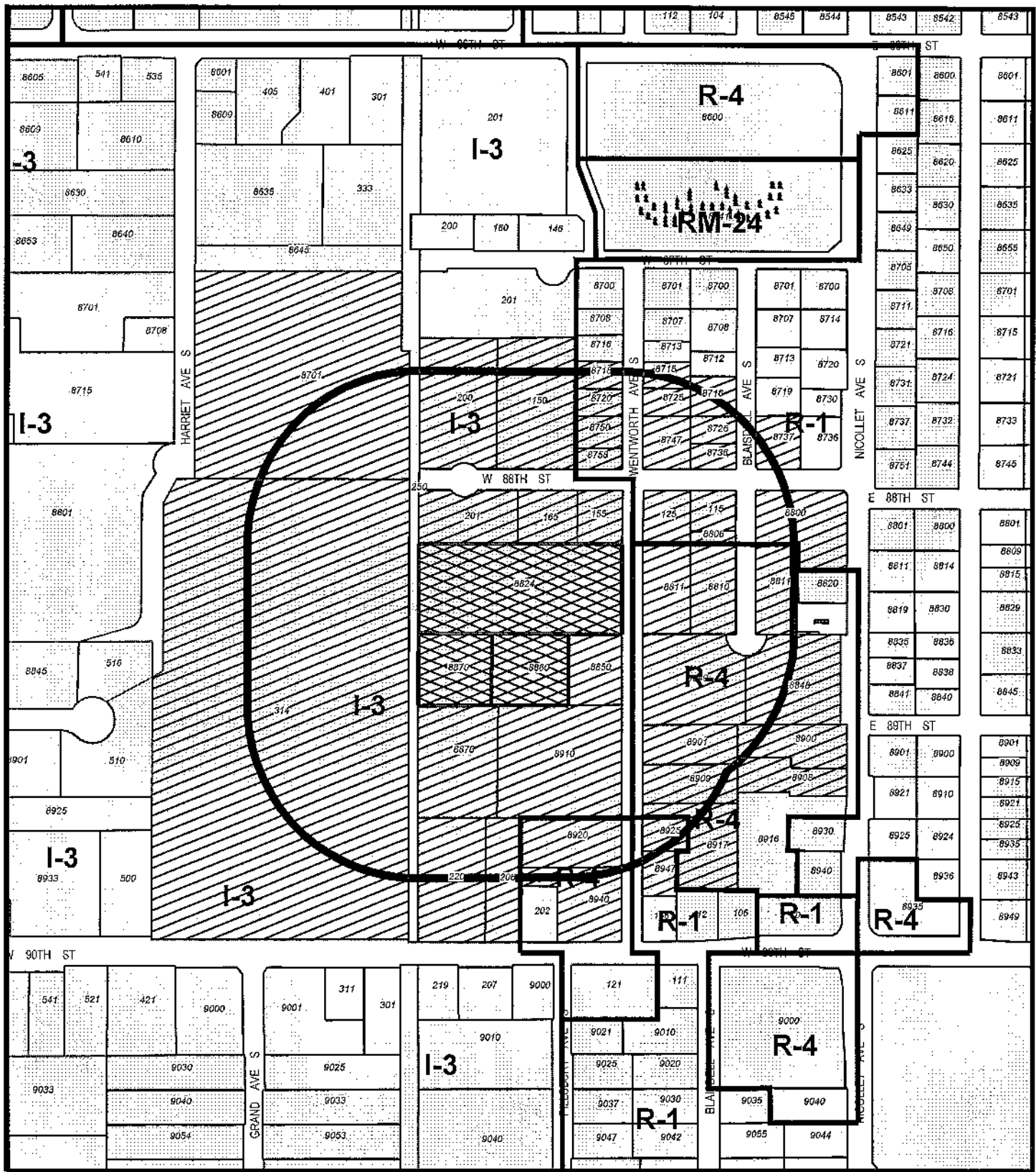
**Traffic Review Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

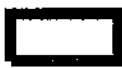


- 1) All construction and post-construction parking and storage of equipment and materials must be on-site. Use of public streets for private construction parking, loading/unloading, and storage will not be allowed. Add this as a note on the plans.
- 2) Maintain clear view triangles of 15' by 15' from ROW lines at all driveways for sight lines.

**Water Resources Review Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

- 1) Use updated city standard details for driveways, utilities, erosion control, etc. found on the website at [www.bloomingtonmn.gov/information-sheets-and-handouts-engineering-division](http://www.bloomingtonmn.gov/information-sheets-and-handouts-engineering-division)
- 2) Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan.
- 3) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.
- 4) A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided.
- 5) An erosion control bond is required.
- 6) Show erosion control BMP locations on the plan
- 7) List erosion control maintenance notes on the plan.
- 8) Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits ([www.ninemilecreek.org](http://www.ninemilecreek.org))
- 9) Add note: Contact Bloomington Utilities for storm sewer connection permit

# City of Bloomington Notification Map

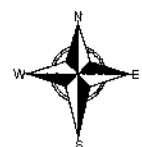
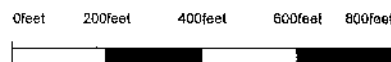


-  Notification Boundary
-  Applicant Property
-  Notified Properties

Zoning District Boundary  
(Labels Refer to Zoning District)

PL2016-161

(A notice of this application was sent to the registered owner of these properties)



Scale: 1:4800

Plot time: 09/23/2016 14:46:48



# AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA ) ss  
COUNTY OF HENNEPIN

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

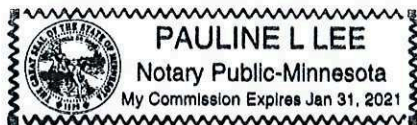
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 10/13/2016 and the last insertion being on 10/13/2016.

**MORTGAGE FORECLOSURE NOTICES**  
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold  
Designated Agent

Subscribed and sworn to or affirmed before me on 10/13/2016 by Charlene Vold.

Pauline L. Lee  
Notary Public



## Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$34.45 per column inch

Ad ID 607499

## CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE PLANNING COMMISSION

CASE FILE NUMBER:

PL2016-161

APPLICANT: The Luther Company LLLP (owner)

PROPERTY ADDRESSES: 8824, 8860 and 8870 Wentworth Avenue

PROPOSAL: Conditional Use Permit and Final Site and Building Plans for an outdoor auto inventory storage lot.

DATE, LOCATION, AND TIME OF HEARING:

10/27/2016, 6:00 p.m.

City Council Chambers -

Bloomington City Hall

1800 West Old Shakopee Road

Bloomington, MN 55431-3027

City Council consideration date is announced at the Planning Commission meeting date at which action is taken.

HOW YOU CAN PARTICIPATE:

(Please include Case File number above when corresponding)

1. Submit a letter to the address below expressing your views;
2. Attend the hearing and give testimony about the proposal; and/or

3. Contact the Planning Division using the information below.

FURTHER INFORMATION:

Mike Centinorio, Planner

City of Bloomington

1800 West Old Shakopee Road

Bloomington, MN 55431-3027

Phone: 952-563-8921

Email: mcentinorio@BloomingtonMN.gov

Published in the

Bloomington Sun Current

October 13, 2016

607499

---

Originator

Item

**City Code amendment – creating definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited or conditional uses in various zoning districts**

---

Date

10/27/2016

---

Description

## GENERAL INFORMATION

Applicant: City of Bloomington

Request: City Code amendment – creating definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited or conditional uses in various zoning districts

## DEADLINE FOR AGENCY ACTION

The applicant has waived the agency action deadline for this application.

---

Requested Action

Staff recommends the following motion:

In Case PL2016-162, I move to recommend the City Council adopt an ordinance amending the City Code to create definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited, or conditional uses in various zoning districts.

---

Attachments:

Staff Report  
Draft Ordinance  
Existing Zoning Map  
FFL Map  
Buffering Scenarios Maps  
Confidential Memo  
ATF Review Email  
PC Study Session Minutes  
CC Study Session Minutes  
Standards Summary  
Publication Verification

## GENERAL INFORMATION

Applicant: City of Bloomington

Request: City Code amendment – creating definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited or conditional uses in various zoning districts

## CHRONOLOGY

Planning Commission Study Action: 05/05/16 – Policy direction provided

City Council Study Action: 05/09/16 – Policy direction provided

Planning Commission: 10/27/16 – Public hearing scheduled

City Council: 11/21/16 – Tentative date for public hearing

## STAFF CONTACT

Mike Centinario  
(952) 563-8921  
mcentinario@BloomingtonMN.gov

## PROPOSAL

The proposed ordinance includes amendments to City Code Chapters 14, 19, and 21 intended to:

1. Adjust standards related to Target Ranges, Pawnbrokers, and Secondhand Goods Dealers to be consistent with the proposed zoning changes and with State law.
2. Amend and create definitions to delineate and differentiate various firearms-related uses;
3. Establish those uses as either permitted, prohibited, or conditional in various zoning districts;
4. Establish minimum separation requirements between some firearm sales facilities and firing ranges and residential districts, day cares, and schools;
5. Reference State of Minnesota statutes and administrative rules related to security and environmental health; and
6. Identify the City Council as the review authority for firing ranges and some firearms sales facilities.

## BACKGROUND

As part of the 2016 Planning Commission Work Plan, the City Council tasked the Planning Commission and Division to review and discuss zoning standards for firearm-related uses. Resident concerns about existing firearm dealer standards surfaced when a firearms dealer applied for a conditional use permit to locate in Countryside Center, a shopping center surrounded by residential, park, institutional, and low-intensity commercial uses. The City received significant feedback from residents questioning the appropriateness of the proposed firearms dealer location given the surrounding businesses and land uses. Ultimately, the applicant withdrew the conditional use permit application.

Two initial maps were prepared to provide additional background for Planning Commission and City Council study meetings and have been included again in the packet. One map identifies the locations where firearms sales are conditionally permitted today. Firearm sales are limited to the B-2, C-2, and C-3 zoning districts. A second map identifies the locations of Federal Firearms License (FFL) holders. According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), there are 15 active FFLs within the City of Bloomington.

Planning staff researched how peer cities in the metropolitan area regulate firearms sales. The regulatory framework varies widely among peer communities from no special standards to simply prohibiting firearms sales.

Local governments have the ability to regulate firearms sales by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances where not preempted by State or Federal law. The following State statutes apply:

### *471.633 FIREARMS.*

*The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:*

- (a) a governmental subdivision may regulate the discharge of firearms; and*
- (b) a governmental subdivision may adopt regulations identical to state law.*

*Local regulation inconsistent with this section is void.*

### *471.635 ZONING ORDINANCES.*

*Notwithstanding section [471.633](#), a governmental subdivision may regulate by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances, the location of businesses where firearms are sold by a firearms dealer. For the purposes of this section,*

*a firearms dealer is a person who is federally licensed to sell firearms and a governmental subdivision is an entity described in sections [471.633](#) and [471.634](#).*

Minnesota laws limit cities to regulating location. Further discussion of these State provisions and the case law associated with the use was provided and discussed at the August 27, 2015 Planning Commission meeting (minutes attached). Working within these limitations, staff focused proposed standards on location and separation from potentially sensitive uses such as residential zoning districts, day care facilities, and schools. A series of maps were prepared that depict:

1. Where firearm sales would be allowed based on zoning district with no separation requirements applied (Figure 1);
2. Where firearm sales would be allowed based on zoning district using the City of Minneapolis' buffering standards applied (Figure 2);
3. Where firearm sales would be allowed based on zoning district and using City of St. Paul's' buffering standards applied (Figure 3);
4. Where firearm sales would be allowed based on zoning district using the preferred approach to separation standards proposed by staff (Figure 4); and
5. Where firearm sales would be allowed based on zoning district using the preferred separation approach, except without a separation standard from residential zoning districts (Figure 5).

Ultimately, the Planning Commission and City Council directed staff to prepare the draft ordinance based on the preferred approach to separation standards identified in Figure 4.

## **ORDINANCE OVERVIEW**

The staff report is intended to be read in conjunction with the attached ordinance as it provides commentary on the proposed amendments specific to individual sections of the City Code.

### **Amendments to Chapter 14**

#### **ARTICLE II. PUBLIC ENTERTAINMENT LICENCES AND REGULATIONS**

- Division G. Target Ranges – Amendments to this section references the Firearm Facilities Code section and alters text to be consistent with proposed amendments to Chapters 19 and 21.

#### **ARTICLE III. BUSINESS LICENSES AND REGULATIONS**

- Division M. Pawnbrokers: Sec. 14.295.01 License Restrictions – Amendments remove the firearm display prohibition and references federal, state, and local standards pertaining to firearm facilities.

- Division Z. Secondhand Goods Dealers: Sec. 14.442.44 Operating Restrictions – Amendments remove the firearm display prohibition and references federal, state, and local standards pertaining to firearm facilities.

**Amendments to Chapter 19**

ARTICLE I. GENERAL DEFINITIONS

- Sec. 19.03 Definitions – Amendments to this section include the removal of the existing Firearms dealer definition and addition of six definitions including firearms and definitions for types of firearm facilities.

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

- Sec. 19.31.01 Regional Commercial (CR-1) District – Amendment adds Incidental Firearm Sales as a permitted principle use.
- Sec. 19.33 Industrial (I-1, I-2, and I-3) Districts – Amendment adds Firearm Manufacturing, Warehousing, and Distribution as a permitted principal use and Firing Range as a conditional use.
- Sec. 19.33.01 Industrial Park (IP) District – Amendment adds Firearm Manufacturing, Warehousing, and Distribution as a permitted principal use and Firing Range as a conditional use.
- Sec. 19.34 Freeway Development (FD-1 and FD-2) Districts - Amendment adds Firearm Manufacturing, Warehousing, and Distribution as a permitted principal use.
- Sec. 19.40.08.01 Commercial Office/Mixed Use District CO-2 – Amendment adds Incidental Firearm Sales as a permitted principal use.

**Amendments to Chapter 21**

ARTICLE III. DISTRICTS AND USES

- Sec. 21.209 Use Tables – Amendments remove Firearms Dealer from use tables, identifies Incidental Firearm Sales as a permitted principal use in the B-2, B-4, C-2, C-3, C-5, CX-2, and LX districts.
- Sec. 21.302.11 Firearm Facilities – Amendments establish the purpose for firearm sales facility performance standards, references to applicable federal and state firearm regulations, separation requirements from residential districts, day care facilities, and schools, special application submittal requirements, and separation measurement methodology.

- Sec. 21.302.13 Home Businesses – Amendments add Firearm Office as a permitted home business where no firearms or ammunition are stored or inventoried on the premises and prohibits home businesses where firearms and ammunition are stored or inventoried on the premises.

#### ARTICLE V. ADMINISTRATION AND NONCONFORMITY

- Sec. 21.501.04 Review and Approval – Amendments require City Council review of conditional use permit applications for Primary Firearm Sales and Firing Ranges.

#### PUBLIC OUTREACH

Notice of the public hearing on the proposed amendments to the City Code was published in the official newspaper (Sun Current). Details on the ordinance update were published on the City website's Zoning Ordinance Update Project page. The draft ordinance was emailed to individuals who expressed an interest in the Code amendments. A contact with the local ATF Field Office reviewed the draft ordinance and confirmed it meets applicable federal firearms standards. Notice of the ordinance and links to more information was sent via E-Subscribe to 958 members signed up on the City's Zoning Ordinance Updates list and 1,335 members signed up on the City's Planning Commission list. Finally, the staff report, draft ordinance, and supporting information are posted on the City website's agenda management system page.

#### RECOMMENDATION

Staff recommends the following motion:

In Case PL2016-162, I move to recommend the City Council adopt an ordinance amending the City Code to create definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited, or conditional uses in various zoning districts.

**ITEM 2**  
6:08 p.m.

<b>CASE:</b>	8300A-15
<b>APPLICANT:</b>	Reserve Company LLC (owner) Max Guns and Ammo LLC (user)
<b>LOCATION:</b>	10750 Bloomington Ferry Road
<b>REQUESTS:</b>	Conditional Use Permit for a firearm dealer in an existing retail center

**PUBLIC HEARING DISCUSSION:**

Centinario gave a brief recap of the application, which was continued from a previous meeting. He showed an aerial photo of the existing retail center, as well as a photo of the tenant space. The regulations that apply to a firearm dealer include obtaining a Federal Firearm License, registering secondhand goods with the City of Bloomington, submitting a security plan to the Police Department and going through inspections with the Bureau of Alcohol, Tobacco and Firearm and the Police Department.

Markegard gave a recap of the previous July 23, 2015 Planning Commission meeting at which the Planning Commission continued the item to August 27, 2015 and requested staff to prepare a resolution of denial. Since the last hearing, staff has prepared a resolution of denial and has received additional correspondence from the public as well as from the applicant and the landowner's attorney. The 120 day Agency Action Timeline for this application is October 14, 2015. If action is not taken on the application October 14, 2015, the application would be automatically approved with no conditions. The options are either adopting a resolution of denial, which would require four affirmative votes, or adopt a resolution of approval. Under Robert's Rules of Order, approval could only occur if one of the four people who voted against approval on July 23, 2015 make a motion to reconsider. The appeal period lasts until 4:30 pm on September 1, 2015. If an appeal were received, the application would be heard by the City Council on October 5<sup>th</sup>, 2015 and that meeting would include public testimony. A tie-vote by the Planning Commission would create an automatic appeal to the City Council.

Bennett said she appreciated the additional input from the public. She voted to approve the application on July 23<sup>rd</sup>, 2015 because it met the findings. Finding 1a of the resolution of denial does not provide enough evidence for an incompatible use. Finding 1b does not provide enough evidence regarding decreased property values. Finding 2a regarding distance from the Police Department is not included in any ordinance. Therefore, she does not support the resolution of denial.

Fischer said he voted to request the resolution of denial at the last meeting. The lack of security plan and the proximity to the school and church are major concerns for him. The firearms store might affect the preexisting businesses in the area.

Batterson said he voted for supporting denial previously and still feels the same. His issues are site specific and based on location, as it is very close to a church and a residential neighborhood. His mind has not changed and he hopes the applicant moves the store elsewhere in Bloomington.

Willette said he voted to support denial because of safety concerns. People hold conceal-to-carry permits in Minnesota, and he wonders if something could happen. Security measures are not strict enough.

Goodrum said he previously voted to approve the application. He stated he had issues with safety and location, but will support the application due to his conclusion that it meets the required findings.



Nordstrom said he previously voted to support the application. The legal process guarantees that every application is treated fairly. But sometimes personal opinion gets in the way of the legal process. There are many concerns that stem from the applicant's incomplete security plan. Before the applicant obtains a Conditional Use Permit, review of a security plan by the Police Department is required. The vote is split and will likely be heard at City Council. He asked staff for input on a motion given the apparent 3-3 situation.

Markegard suggested the Commission first consider a motion for denial as the Planning Commission had requested a resolution of denial at its last meeting. If that motion results in a tie, the Commission could then ask whether any member who voted against the motion for approval at the last meeting wanted to reconsider that vote.

Nordstrom clarified for the public that the Commission has to have a majority that agrees in order to adopt a resolution of approval or denial.

Batterson said he will make a motion of denial.

Markegard clarified that the motion when it is made should reference the resolution of denial in the staff report, and if any of the language in that resolution is desired to be modified or added to, the motion should list those changes.

The commission identified no needed changes to the draft resolution.

After Batterson's motion to adopt the resolution of denial failed, the Chair asked if any of the members voting against the motion to approve the application at the last meeting were interested in reconsidering their vote. Commissioners Batterson, Fischer and Willette said they were not.

Because of the tie, it was announced that the item will automatically move forward to City Council, with an anticipated date of October 5, 2015.

#### **ACTIONS OF THE COMMISSION:**

**M/Batterson, S/Fischer:** In Case 8300A-15, not being able to make the required findings, I move to adopt the resolution of denial for a Conditional Use Permit for a firearms dealer at 10750 Bloomington Ferry Road as shown in the August 27, 2015 Planning Commission packet.  
Motion failed on a 3-3 tie vote.

**ORDINANCE NO. 2016-**

**AN ORDINANCE CREATING DEFINITIONS AND STANDARDS FOR FIREARM(S) AND FIRING RANGE FACILITIES AND ESTABLISHING THEM AS PERMITTED, PROHIBITED OR CONDITIONAL USES IN VARIOUS ZONING DISTRICTS THEREBY AMENDING CHAPTERS 14, 19 AND 21 OF THE CITY CODE.**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words that are in ~~strikethrough~~ font and adding those words that are underlined, to read as follows:

**CHAPTER 14**

**LICENSES AND PERMITS**

\*\*\*

**ARTICLE II. PUBLIC ENTERTAINMENT LICENSES AND REGULATIONS**

\*\*\*

**DIVISION G. TARGET RANGES**

\*\*\*

**§ 14.84 LICENSE.**

\*\*\*

The issuing authority is hereby authorized to issue licenses for the operation of rifle ranges, trap ranges and target ranges at any place in the city as permitted by City Code upon payment of a fee as set forth in § 14.03 of this code, provided that such ranges comply in all respects with the regulations promulgated under the provisions of § 14.83 of this code. The Chief of Police may limit such license in any respect which in his or her opinion will result in the elimination of dangers and nuisance factors.

\*\*\*

**ARTICLE IV. BUSINESS LICENSES AND REGULATIONS**

\*\*\*

**DIVISION M. PAWNBROKERS**

\*\*\*

**§ 14.295.01 LICENSE RESTRICTIONS.**

\*\*\*

(u) *Display and storage of firearms.* As a condition of licensure, ~~[a pawnbroker shall not display on the licensed premises any firearms pawned or purchased by the pawnbroker. A]~~ the display and storage of all firearms must be approved by the [shall be securely stored in an area that is not accessible by the general public. The] City Police Department and must be compliant [shall approve how firearms are stored and secured.] with applicable federal and state security standards, including, but not limited to, M.S. § 624.7161, and Minnesota Rules Chapter 7504. Firearms may be sold only when allowed in a particular location by the Zoning Ordinance.

\*\*\*

## DIVISION Z. SECONDHAND GOODS DEALERS

\*\*\*

### § 14.442.44 OPERATING RESTRICTIONS.

\*\*\*

(j) *Display and storage of firearms.* As a condition of licensure, ~~[the dealer shall not display on the licensed premises any firearms. A]~~ the display and storage of all firearms must be approved by [must be securely stored in an area that is not accessible to the general public. No firearm may be stored on the licensed premises unless or until] the City Police Department and must be compliant [approves the security of the premises and manner of storage] with applicable federal and state security standards, including, but not limited to, M.S. § 624.7161, and Minnesota Rules Chapter 7504. Firearms may be sold only when allowed in a particular location by the Zoning Ordinance.

\*\*\*

Section 2. That Chapter 19 of the City Code is hereby amended by deleting those words that are in ~~[strikethrough]~~ font and adding those words that are underlined, to read as follows:

## CHAPTER 19

### ZONING

\*\*\*

## ARTICLE I. GENERAL PROVISIONS

\*\*\*

### § 19.03. DEFINITIONS

\*\*\*

~~**[Firearms dealer]**—Any person or business engaged in the sale, lease, trade or other transfer of firearms or ammunition at wholesale or retail. Firearms dealer shall not include any person engaged only in the business of repairing firearms.]~~

**Firearm.** A device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion, as defined in M.S. § 609.666.

**Firearm Sales, Incidental.** A permanent establishment where the primary use is the retail sale of non-firearm items and where no more than 15 percent of the tenant's gross floor area is devoted to display and storage of firearm(s) and ammunition.

**Firearm Sales, Primary.** A temporary or permanent establishment for the retail sale, lease, trade, service, or other transfer of firearm(s), ammunition, or firearm(s) accessories where more than 15 percent of the tenant's gross floor area is devoted to display and storage of firearm(s) and ammunition for permanent establishments or any floor area is devoted to display or storage of firearms for temporary establishments.

**Firearm Manufacturing, Warehousing, or Distribution.** An establishment engaged in the manufacture, warehousing, or distribution of firearm(s) or ammunition with no on-site retail sales, display, lease, trade, or other transfer of firearm(s) or ammunition.

**Firearm Office.** A temporary or permanent establishment facilitating the sale, lease, trade, or transfer of firearm(s) services with no on-site retail sales, display or inventory.

**Firing Range.** A specialized facility designed for firearm(s) shooting practice with no retail sales, display, lease, trade, service, or other transfer of firearm(s), ammunition, or firearm(s) accessories.

\*\*\*

### ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

\*\*\*

#### § 19.31.01. REGIONAL COMMERCIAL (CR-1) DISTRICTS.

\*\*\*

##### (b) Permitted Principal Uses -

\*\*\*

(11) Firearm sales, incidental, subject to standards set forth in § 21.302.11.

\*\*\*

#### § 19.33. INDUSTRIAL (I-1, I-2, AND I-3) DISTRICTS.

\*\*\*

(b) **Permitted uses -**

\*\*\*

- (13) Firearm manufacturing, warehousing, or distribution, subject to standards set forth in § 21.302.11.

\*\*\*

(d) **Conditional uses -**

\*\*\*

- (8) [Reserved.] Firing range, subject to performance standards set forth in § 21.302.11 and license requirements for target ranges set forth in §§ 14.82 – 14.84.

\*\*\*

**§ 19.33.01. INDUSTRIAL PARK (IP) DISTRICT.**

\*\*\*

(b) **Permitted Principal Uses.**

\*\*\*

- (10) Firearm manufacturing, warehousing, or distribution, subject to standards set forth in § 21.302.11.

\*\*\*

(d) **Conditional Uses -**

\*\*\*

- (7) [Reserved.] Firing range, subject to performance standards set forth in § 21.302.11 and license requirements for target ranges set forth in §§ 14.82 – 14.84.

\*\*\*

**§ 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.**

\*\*\*

(b) **Permitted uses -**

(10) Firearm manufacturing, warehousing, or distribution, subject to standards set forth in § 21.302.11.

\*\*\*

**§ 19.40.08.01. COMMERCIAL-OFFICE/MIXED USE DISTRICT CO-2.**

\*\*\*

**(b) Permitted Principal Uses -**

\*\*\*

(6) Firearm sales, incidental, subject to standards set forth in § 21.302.11.

\*\*\*

Section 3. That Chapter 21 of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font and adding those words that are underlined, to read as follows:

\*\*\*

**CHAPTER 21**

**ZONING AND LAND DEVELOPMENT**

\*\*\*

**ARTICLE II. DISTRICTS AND USES**

\*\*\*

**Division H. Uses**

\*\*\*

**§ 21.209. USE TABLES.**

\*\*\*

**(d) Neighborhood and Freeway Commercial Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section

\*\*\*

**RETAIL/SERVICES**

\*\*\*

Retail Sales and Services									
<del>[Firearms dealer]</del>		[C]			[CA]	[CA]			
Firearm sales, incidental		<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		<u>P</u>	<u>21.302.11</u>
Firearm sales, primary		<u>C</u>			<u>CA</u>	<u>CA</u>			<u>21.302.11</u>

\*\*\*

**(f) Specialized Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX							See Listed Section

\*\*\*

**RETAIL/SERVICES**

\*\*\*

Retail Sales and Services									
Bank or financial institution	P	P							
Body art establishment	P	P							14.376 to 14.390.01
Currency exchange	P	A							14.159 to 14.165
Exterminating shop		A							
<del>[Firearms dealer]</del>									
Firearm sales, incidental	<u>P</u>	<u>P</u>							<u>21.302.11</u>
Firearm sales, primary									<u>21.302.11</u>

\*\*\*

**ARTICLE III. DEVELOPMENT STANDARDS**

\*\*\*

**Division B. Use Standards**



\*\*\*

**§ 21.302.11 [RESERVED.] FIREARM FACILITIES.**

- (a) **Purpose.** To provide opportunities for firearm sales, service, and ranges and to provide opportunities to manufacture, warehouse, and distribute firearm(s) while addressing safety concerns and the potential disruption of peace and quiet enjoyment of the community. Providing separation between firearm facilities and certain uses maximizes safety of residents, businesses and guests, minimizes potential nuisance factors of such facilities, and is in the public interest.
- (b) **Incidental Firearm Sales standards.**
- (1) Security. All incidental firearm sales facilities must meet applicable federal and state security standards including but not limited to M.S. § 624.7161, and Minnesota Rules Chapter 7504.
  - (2) Separation requirements. No incidental firearm sales facility may be located:
    - (A) Within 250 feet of the R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50 or RM-100 Zoning Districts.
    - (B) Within 250 feet of a day care facility.
    - (C) Within 250 feet of a school (K-12).
  - (3) Prior to plan approval, a floor plan must be submitted for review demarcating the area(s) devoted to display and storage of firearm(s) and ammunition.
- (c) **Primary Firearm Sales standards.**
- (1) Security. All primary firearm sales facilities must meet applicable federal and state security standards including but not limited to M.S. § 624.7161, and Minnesota Rules Chapter 7504.
  - (2) Separation requirements. No primary firearm sales facility may be located:
    - (A) Within 250 feet of the R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50 or RM-100 Zoning Districts.
    - (B) Within 250 feet of a day care facility.
    - (C) Within 250 feet of a school (K-12).
    - (D) Within 1,000 feet of another primary firearm sales facility.
  - (3) Conditional Use Permit Submittal Requirements. In addition to the submittal requirements stated in § 21.501.04, a conditional use permit application for a primary firearm sales facility must also include a detailed security plan demonstrating compliance with applicable federal and state safety standards including but not limited to M.S. § 624.7161, and Minnesota Rules Chapter 7504.
- (d) **Firearm Manufacturing, Warehousing, or Distribution standards.**
- (1) Separation requirements. No firearm manufacturing, warehousing, or distribution facility may be located:
    - (A) Within 250 feet of the R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50 or RM-100 Zoning Districts.
    - (B) Within 250 feet of a day care facility.
    - (C) Within 250 feet of a school (K-12).
- (e) **Firing Range Standards.**
- (1) Separation requirements. No firing range may be located:
    - (A) Within 1,000 feet of the R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50 or RM-100 Zoning Districts.
    - (B) Within 1,000 feet of a day care facility.
    - (C) Within 1,000 feet of a school (K-12).
  - (2) Firing ranges must be located within a completely enclosed building.



- (3) The completely enclosed building housing the firing range must include adequate noise insulation, ventilation and filtering systems. Ventilation and filtering systems must be in accordance with Minnesota Mechanical Code § 502.19, see Minnesota Rules Part 1346.0050 (incorporating Chapters 2 to 15 of the 2012 edition of the International Mechanical Code), and United States Department of Labor Occupational Safety and Health Standards, 29 C.F.R. § 1910.1025.
- (4) No liquor licenses may be issued to any establishment within the same building as the firing range.

**(f) Standards for Firearm Offices.**

- (1) Firearm Offices are permitted in all districts where general offices are permitted.

**(g) Measurement.**

- (1) Separation measurement. For the purposes of this section, distance between a firearm facility and a zoning district is measured in a direct line from any public or private entrance of a firearm facility tenant space to the applicable zoning district line. Distance between a firearm facility and another facility, school or day care is measured in a direct line from any public or private entrance of a firearm facility tenant space to any public or private entrance of the other facility. When measuring distance between indoor tenant spaces, measurement will be taken along the shortest pedestrian path between public or private entrances rather than in a direct line.
- (2) Floor area measurement. The calculation of floor area devoted to firearm(s) and ammunition includes all display cabinets, storage, and the entire adjacent aisle or standing space for customers and employees.

\*\*\*

**§ 21.302.13. HOME BUSINESSES.**

\*\*\*

**(c) Types of Home Businesses.**

- (1) Type I. Type I home businesses are of a type that the City Council has historically found do not adversely affect the health, safety or welfare of other persons residing in the area. Examples of Type I home businesses are listed below. This list is intended to be illustrative not exhaustive.

\*\*\*

- (G) Firearm Office where no firearm(s) or ammunition are stored or inventoried on the premises.

\*\*\*

- (3) Prohibited home businesses: The following home businesses are prohibited without limitation:

\*\*\*

- (C) The sale, lease, or trade of firearm(s) or ammunition, where firearm(s) or ammunition are stored or inventoried on the premises;

\*\*\*

## ARTICLE V. ADMINISTRATION AND NONCONFORMITY

\*\*\*

### Division A. Approvals and Permits

\*\*\*

#### § 21.501.04 CONDITIONAL USE PERMITS

\*\*\*

- (d) **Review and Approval.** Conditional use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in § 21.501.04(d)(1), which must be reviewed by the Planning Commission and acted upon by the City Council. If the Planning Commission action results in a tie vote, the conditional use permit application is automatically sent to the City Council for their final action.
- (1) **City Council Review.** Because of higher potential to negatively impact surrounding property, the following use types must be reviewed by the Planning Commission and acted upon by the City Council when a conditional use permit is required by the underlying zoning district.

\*\*\*

- (O) Manufactured home parks; ~~and~~  
(P) Medical marijuana distribution facilities[-];  
(Q) Firearm sales, primary; and  
(R) Firing range.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

---

Secretary to the Council

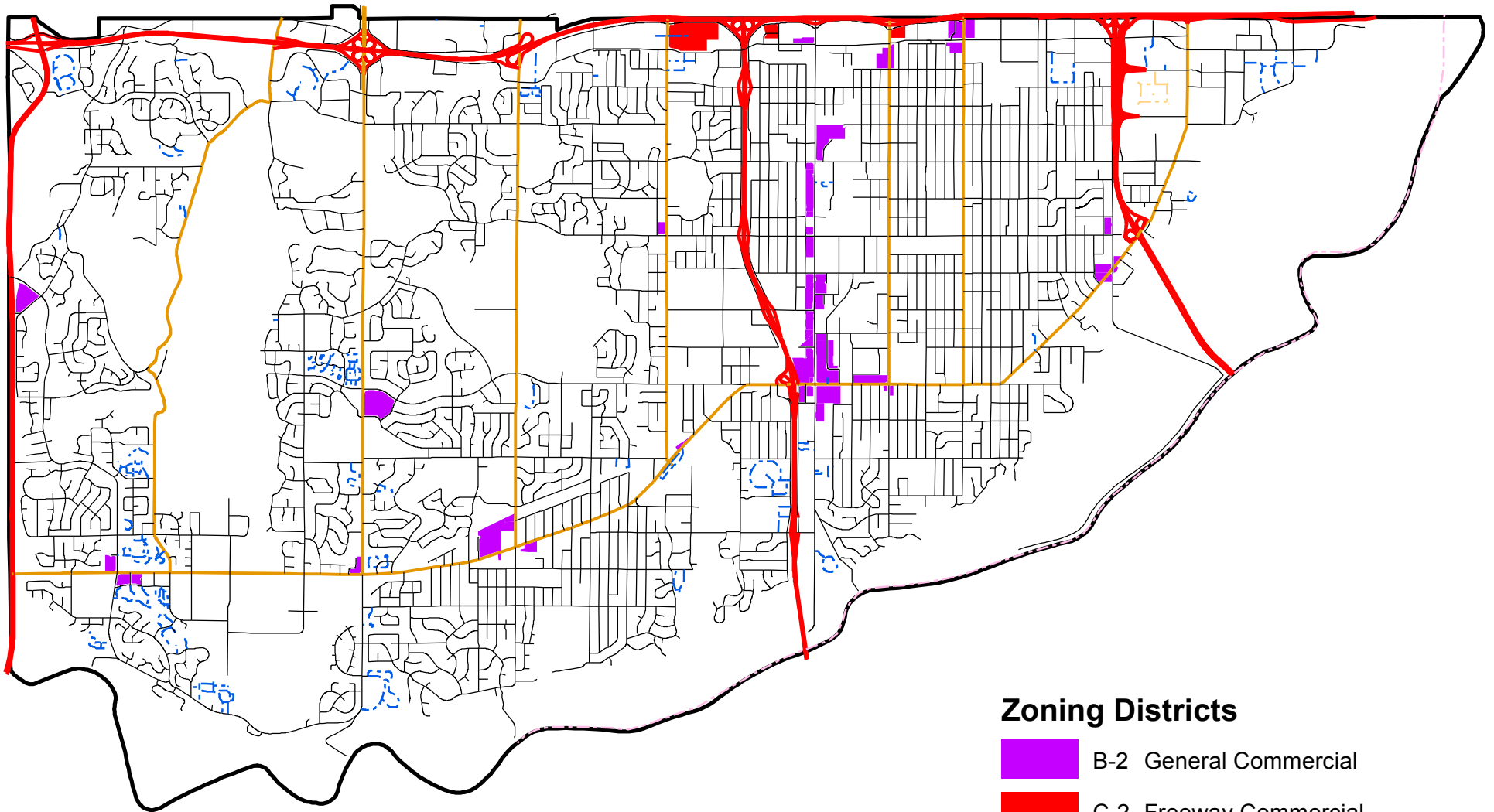
APPROVED:

---

City Attorney

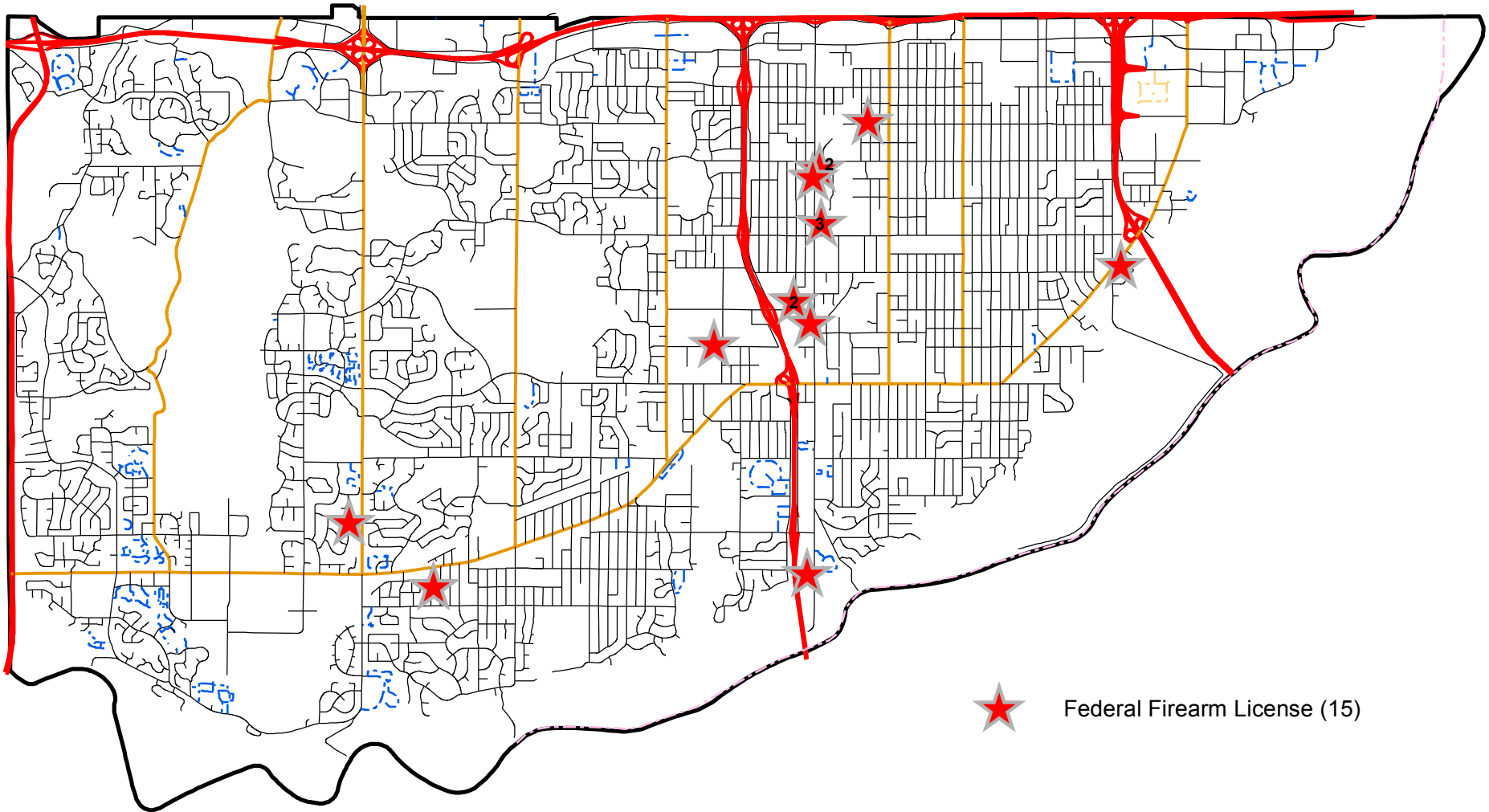
DRAFT

# Areas Where Firearms Dealers are Allowed as Conditional Uses



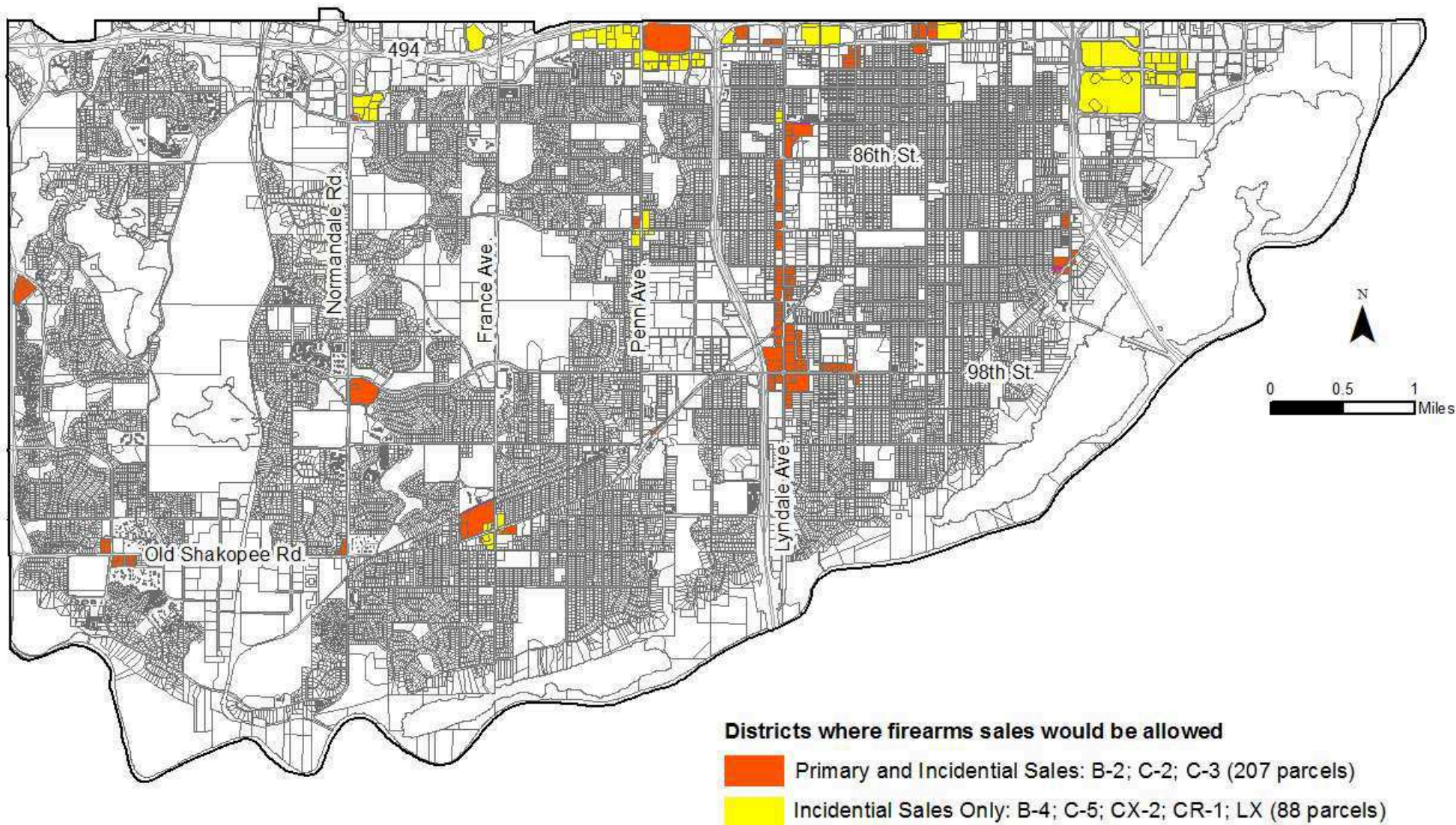
N  
Source:  
City of Bloomington  
April 21, 2016

# Federal Firearms Licenses Located in Bloomington



Source:  
City of Bloomington  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
April 21, 2016





Allowed Zoning with No Sensitive Land Use Buffers Applied

**Figure 1**



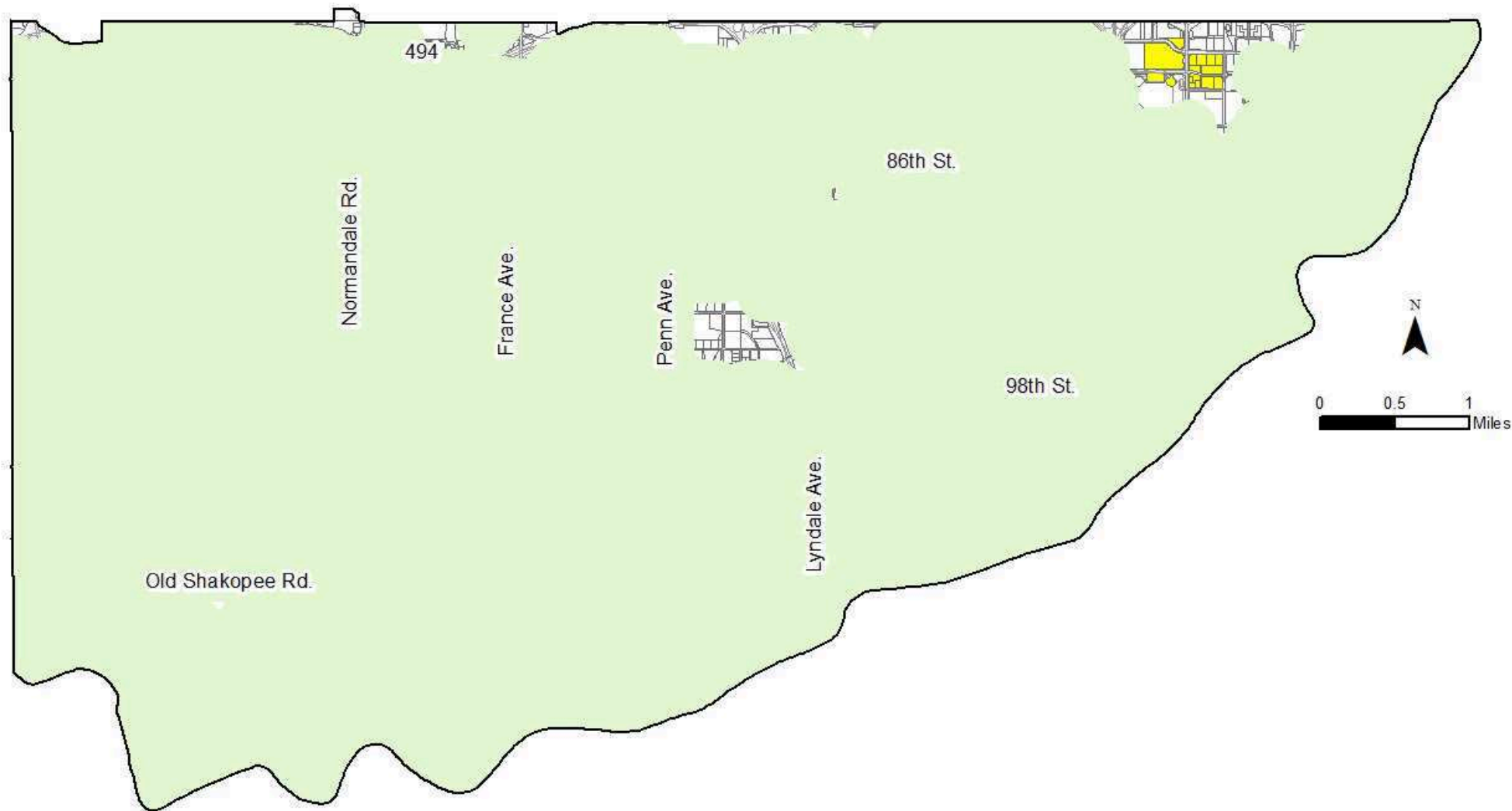
- Area within 250' of:**
- Residential zoning district
- Area within 500' of:**
- Place of Assembly for Worship
  - K-12 School
  - Child Care Center
  - Library
  - Park

**Districts where firearms sales would be allowed**

- Primary and Incidental Sales: B-2; C-2; C-3 (31 parcels)
- Incidental Sales Only: B-4; C-5; CX-2; CR-1; LX (41 parcels)

Minneapolis Buffers Applied  
Figure 2





**Area within 1,000' of:**

- Residential Zoning District
- Place of Assembly for Worship
- K-12 School
- Child Care Center
- Library
- Public Recreation Center
- Park

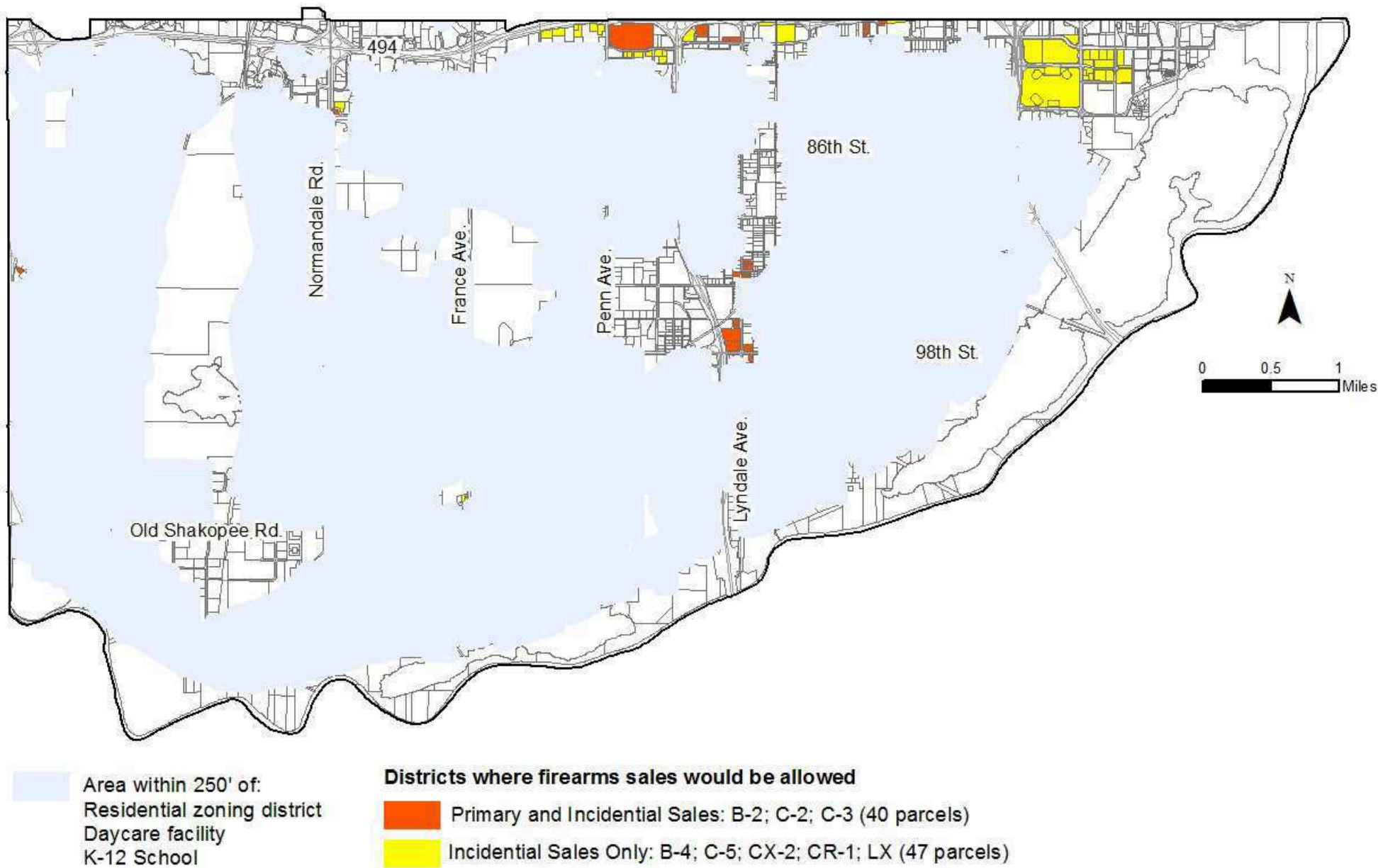
**Districts where firearms sales would be allowed**

- Primary and Incidental Sales: B-2; C-2; C-3 (0 parcels)
- Incidental Sales Only: B-4; C-5; CX-2; CR-1; LX (17 parcels)

Saint Paul Buffers Applied

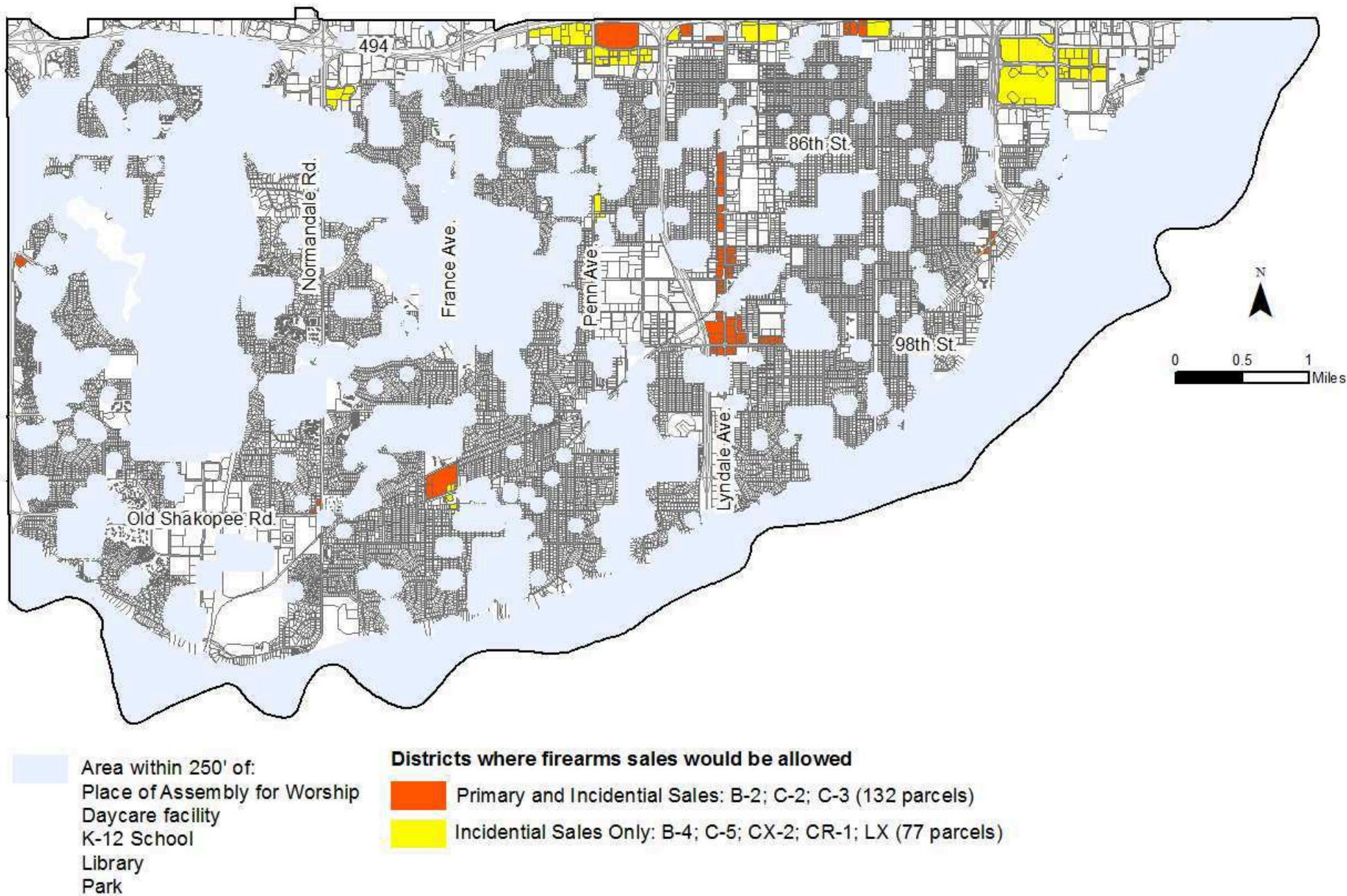
**Figure 3**





Proposed Approach

**Figure 4**



Minneapolis Buffers Applied, minus Residential Buffer

**Figure 5**

## **Centinario, Michael**

---

**From:** Sarah.M.Schmidt@usdoj.gov  
**Sent:** Thursday, October 13, 2016 4:32 PM  
**To:** Centinario, Michael  
**Subject:** RE: City of Bloomington Draft Firearm Sales Ordinance

Michael,

The draft of proposed amendments concerning firearms is fully compliant within the Federal law and regulations.

One stipulation ATF has encountered more frequently in the last few years in light of internet sales, are FFL's who are exclusively conducting firearm sales via internet. Federally, this is recognized as a service of FFLs provided they have a permanent dwelling. Often, City code does not specify internet transfers, however, it does appear the City of Bloomington makes the distinction under 'Firearm Office.'

Please feel free to contact/call with further questions!  
Sarah

---

**From:** Centinario, Michael [mailto:mcentinario@BloomingtonMN.gov]  
**Sent:** Wednesday, October 12, 2016 10:18 AM  
**To:** Schmidt, Sarah M. <Sarah.Schmidt@atf.gov>  
**Subject:** City of Bloomington Draft Firearm Sales Ordinance

Ms. Schmidt,

We've spoken before about FFLs within the City of Bloomington. I believe I described an effort to establish standards for firearm sales businesses. Attached is a draft ordinance that would create those standards. There are a few minor changes that are still needed, but the structure, standards, and majority of the proposed language are in place. The draft will be reviewed by the City of Bloomington Planning Commission on October 27, 2016.

Please review the proposed ordinance and forward any comments or questions to me. Thank you for your time,  
Mike

**Michael Centinario | Planner**  
Planning Division | City of Bloomington  
1800 West Old Shakopee Road | Bloomington, MN 55431  
Direct: (952) 563-8921 | [MCentinario@BloomingtonMN.gov](mailto:MCentinario@BloomingtonMN.gov)

**ITEM 4**

6:15 p.m.

---

**APPLICANT:** City of Bloomington (study item)

---

---

**REQUEST:** Discuss potential City Code Amendments – Firearm Dealers

---

After noting that a review of firearm dealer standards is a project on the Planning Commission's 2016 Work Plan, Markegard presented the following information on firearm dealers:

- State Laws
  - o Markegard highlighted State laws regarding firearm dealers, including Section 471.633: "The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that: (a) a governmental subdivision may regulate the discharge of firearms; and (b) a governmental subdivision may adopt regulations identical to state law. Local regulation inconsistent with this section is void."
  - o And Section 471.635: "Notwithstanding section 471.633, a governmental subdivision may regulate by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances, the location of businesses where firearms are sold by a firearms dealer. For the purposes of this section, a firearms dealer is a person who is federally licensed to sell firearms and a governmental subdivision is an entity described in sections 471.633 and 471.634."
  - o Markegard noted the City has the ability to regulate the location but cannot regulate the security and operations of the use. There are State laws that apply to security and operations.
- Use classification
  - o The City Code defines firearms dealer as "Any person or business engaged in the sale, lease, trade or other transfer of firearms or ammunition at wholesale or retail. Firearms dealer shall not include any person only engaged in the business of repairing firearms."
  - o Firearm dealers are currently allowed as a conditional uses in the B-2, C-2 and C-3 Zoning Districts. The Code does not currently apply sensitive use buffers for firearms dealers.
- Home business
  - o "The sale, lease, or trade of firearms or ammunition" is prohibited as a home business under Code Section 21.302.13(c)(3)(C).
- Best practices review
  - o How do other cities regulate firearm dealer standards?
    - Some U.S. cities regulate security and operation standards. The Minnesota State Law says cities cannot address security or operation measures. However, Minnesota cities can address the use through use classification, zoning districts and sensitive land use buffers.



- Markegard mentioned that the packet includes more detail on best practices in other cities and that he would cite examples while discussing the three issues.
- Use classifications
  - The staff work groups initial thought is to classify firearm sales based on whether the sales are an incidental or primary use. Incidental sales could be defined as sales that do not cover more than 10% of the total floor area of the building.
  - Staff reviewed the ten largest suburban cities in the region plus Minneapolis and St. Paul. The suburban cities do not require sensitive use buffers from firearms dealers. However, Minneapolis and St. Paul do have sensitive use buffers. Markegard presented a table highlighting the Minneapolis and St. Paul buffers.
  - While Bloomington does not currently have sensitive use buffers for firearms dealers, it does have such buffers for several other uses. Markegard presented a table of sensitive use buffers currently applicable in Bloomington.
- Primary vs. incidental sales
  - Markegard said staff used GIS to analyze parcel counts under various scenarios and presented a series of maps.
  - Primary sales are currently allowed in the B-2, C-2 and C-3 Zoning Districts with a total of 207 parcels. Incidental sales could also be allowed in those districts.
  - Incidental sales without primary sales could also be allowed in all zoning districts that allow retail uses: the B-4, C-5, CX-2, CR-1, LX Zoning Districts with a total of 88 additional parcels.
  - As a test, staff applied Minneapolis' sensitive use buffers for firearm dealers and found that primary plus incidental sales in the B-2, C-2 and C-3 Zoning Districts would be limited to 31 parcels. Also, incidental sales only in the B-4, C-5, CX-2, CR-1 and LX Zoning District would be limited to an additional 41 parcels.
    - The sensitive land use buffers for Minneapolis include areas within 250 feet of a residential zoning district, 500 feet of a place of assembly, K-12 school, child care center, park and library.
  - As another test, staff applied St. Paul's sensitive use buffers and found that primary plus incidental sales in the B-2, C-2 and C-3 Zoning Districts totaled 0 parcels. Also, incidental sales only in the B-4, C-5, CX-2, CR-1 and LX Zoning District totaled 17 parcels.
    - The sensitive land use buffers for St. Paul include areas within 1,000 feet of a residential zoning district, place of assembly, K-12 school, child care center, library, public recreation center and park.
  - To seek a balance between buffering sensitive uses and maximizing the number of parcels available for firearms sales, staff modeled another scenario with a buffer within 250 feet of a residential zoning district, day care and K-12 school. Primary plus incidental sales within the B-2, C-2 and C-3 Zoning Districts would be available to 40 parcels whereas incidental sales only would be available to an additional 47 parcels, both a higher number of parcels than using the Minneapolis or St. Paul buffers.
- Feedback

Fischer said his lack of support for the recently proposed Max Guns and Ammo firearm dealer was not because he had anything against firearms dealers but because of the location and close proximity to a school and residential area. He liked the scenario with 250 foot buffer from a school, residential area and day care because of the range of locations still available while addressing the proximity issue and said he thought it was a reasonable compromise.

Batterson stated Bloomington is primarily residential zoned. He said the 250 foot buffer may be too restrictive and limiting and would like to see the results if residential were removed as a sensitive use. Markegard said eliminating the residential zone buffer would allow more areas for firearm dealers and that staff would prepare a map and count.

Goodrum said the 10% of floor area may be too small and said he thought some local sporting goods stores may be above the threshold. How many firearm uses would become nonconforming? He also asked if the residential zones buffered include the mixed-use zoning districts. Also, what happens when a day care center locates near a firearm dealer after the firearm dealer has opened? The firearms dealer would become legally nonconforming. Goodrum said he liked the Minneapolis buffer scenario.

Markegard said staff is not aware of a firearms dealer that would be made nonconforming by the compromise scenario. Some firearms dealers that existed in the past would have become nonconforming if they were still in existence. Markegard noted there are two illegally located firearms dealers on Lyndale Avenue that would be within the 250 foot sensitive use buffers, however they are already illegal by virtue of being in an industrial area, so it would not be a change in use status.

Markegard said staff's thought was not to apply the sensitive use buffer to residential uses in mixed use zones, given that residents in these zones tend to have different expectations about surrounding uses than do residents in purely residential zones.

Goodrum asked if a conditional use permit would be required. Markegard said staff's thought is to suggest that primary sales would require a conditional use permit whereas incidental sales would be a permitted use.

Bennett said she liked separating the sales by primary and incidental sales. She agreed that the 10% of floor area is too small and recommended 10% of sales instead. She asked if police response time could be considered as a buffer.

Markegard noted staff considered a threshold of 10% of sales but was concerned about lack of access to sales data, about the difficulty of conducting regular audits to ensure compliance and about potential fluctuations in sales from month to month. The 10% of floor area threshold is relatively easy to measure and is less likely to fluctuate over time. There is a work group that includes staff from Public Health, Police, Legal, Licensing and Planning and he will bring up the issue of proximity to a police station for lower response time.

Goodrum stated there are less police patrols along the edge of the City and a quick escape route along the Interstate 494 corridor.

Fischer's said his main concern with Max Guns and Ammo was that it was directly adjacent to a residential area. Firearms dealers are often the targets of robbery and areas where Police will need to respond, from his perspective as a Policeman, it is good to have a buffer between such uses and residential areas.

Batterson stated there was no good access behind the Max Guns and Ammo site and no visibility. When reviewing the potential locations for firearm dealers, it is important to look at the physical makeup of the building. Does it have a rear access for security? Markegard said such as standard may contradict Minnesota State Law's that limit City standards to location only.

Bennett asked about the sensitive land use buffers. Markegard said the work group is still identifying sensitive land use buffers. From a parcel count standpoint, the biggest impact is the residential zoning district buffer. In Bloomington, places of assembly and parks are mostly in residential zoning districts. Day care centers, group homes and libraries are often residentially zoned.

- Firearms manufacturing, warehousing and distribution
  - o Markegard said they could be allowed in industrial zones, potentially without sensitive use buffers.
- Firearms Office
  - o Markegard said the classification could be defined as having no firearms or ammunition on site, just office use only. Firearms office could be located anywhere where office use is allowed, including out of the home.
- Firing range
  - o Markegard noted there are two approaches for categorizing a firing range: as a recreational use allowed in several commercial districts or as more of a sports training use that could be limited to industrial areas only. Sports training facilities are allowed in industrial areas today. Recreational uses (such as bowling alleys) are not allowed in industrial zones because of concerns on erosion of the industrial land use base. The thought is to apply the same sensitive land use buffers that would apply to firearms dealers.

Spieß asked do you have to allow a firing range. Markegard said it would be a question for the Legal Department, but generally speaking, it is inadvisable to ban any use entirely from the City.

Fischer asked if Bloomington still has the outdoor firing range. Markegard confirmed and said it is residentially zoned. The site would become legally non-conforming and Police has confirmed that there are no expansion plans.

Willette asked if there is a range at the armory. Markegard was unsure but will look into it.

Fischer asked if there could be an exception for government use of a firing range. Markegard said it is possible but would be better to treat all firing range uses the same.

Goodrum said his preference would be to treat firing ranges similar to recreational uses.

Batterson noted firing ranges are often attached to a gun store, another reason to allow them in commercial districts. There should be a way for those uses to be combined. What if the residential uses were eliminated from the buffers? Markegard said staff would prepare a map to evaluate but removing residential districts as a sensitive use would not address the concerns raised by Commissioner Fischer regarding there being a higher chance of robbery and crime at a firearms dealer and therefore concern that it not be adjacent to residential uses so that neighbors are not caught up in the middle of a crime scene response.

Fischer noted the air from a firing range often has lead contamination. A firing range could require environmental regulations, barriers, noise regulations, etc. Markegard said a buffer from residential areas for firing ranges could be advantageous to minimize issues with noise and environmental impacts.

Fischer asked if there is a distinction between indoor and outdoor firing ranges. Markegard stated there is no difference today, but could be. Outdoor firing ranges would have higher levels of impact.

Goodrum said he is not opposed to firing ranges but he would like more information. The City of Osseo opened a firing range close to their city hall. He believed shooting a gun at a firing range is the same as selling a gun at a gun store. He would like more information on firing ranges.

Batterson said firing ranges as a recreational use may be advantageous. Industrial areas are more closed off and dark, making them less suited for the use.

Fischer was less concerned about the separation of firing ranges from sensitive uses than the separation of firearms dealers from sensitive uses. He said there is less chance for crime at firing ranges. Markegard said the firearm sales often are collocated with firing ranges.

Batterson asked if a handgun distributor with inventory could locate in an industrial zoning district. Markegard said yes. The sensitive land use buffers could be applied to manufacturing of firearms. He noted that some manufacturers only manufacture single components of a firearm and would never have inventory of the full firearm. Fischer noted the security measures will be high for a manufacturing use, often with armed security.

The next steps for discussion include a study session at City Council on May 9<sup>th</sup>. Public hearings on the draft ordinance are anticipated to occur this summer.

The meeting adjourned at 7:04p.m.

Prepared By: EO Reviewed By: GM

Approved By Planning Commission: June 16, 2016





Planning Manager Glen Markegard provided PowerPoint presentation. Defined the current standards and use classification. Showed the areas where firearms dealers are allowed as Conditional Uses. City Code prohibits the sale, lease, or trade of firearms or ammunition out of the home. Bloomington currently does not have sensitive use buffers.

Markegard said that if Minneapolis buffers were applied to Bloomington, the number of primary and incidental sales would be lower. If applying the St. Paul buffer, there would be even more restrictions yet. Zero parcels for primary and 17 incidental sales, which would be in South Loop.

The Planning Commission consensus is to go with the hybrid approach of an area of within 250' of residential zoning district for places of worship, daycare facilities, and K-12 schools.

Baloga said the incidental is strictly what the proposal is to percent of floor space. Asked if there was consideration for total revenue generated. Markegard responded that after discussing that, there is concern with getting the data, would have to audit the data which is time consuming. There was also a concern that it could fluctuate from period to period due to factors outside the retailer.

Mayor Winstead asked how the 10% of the space would be calculated. Markegard said it would need to be defined clearly in an ordinance. There would also need to be a definition for accessories.

Busse recommended having a limitation for how many gun shops can be within a certain area, to avoid having multiple gun shops near each other.

Mayor Winstead asked if the categories are acceptable, and if the feet restrictions are acceptable. Suggested that primary and incidental is a good way to view it, but will need to solidify definitions.

Council discussed the possibility of limiting shops within certain number of feet from each other, primary to primary.

Baloga said he'd feel better, for primary, if we were looking for a separation greater than 250'. 1000' or more is more appropriate if interested in spacing the locations out.

Abrams asked about the trends for sales. Markegard said online sales and gun shows are trends, and added that the buffers should apply to temporary locations.

Markegard defined firearms sales, incidentals, firearms sales, primary, firearms manufacturing, warehousing or distribution, firearms office, and firing range. Feedback from Planning Commission said it fell more within recreational side.

Council discussed noise issues with indoor and outdoor ranges, and uses of firing ranges. Mayor Winstead suggested having indoor only with a 1000' or more of a buffer.

Markegard summarized that they would be reviewing just industrial, and just indoor. Next step is Planning Commission public hearing this summer.

Carlson asked if the taskforce has come up with any lists of other stipulations for sensitive uses (e.g. no bars in windows, no firearms in window view) and asked this to be explored further. Suggested this along with submittal of security plan within police department.

Baloga asked if there is an opportunity to do inventory control during off hours, like having a display case and putting firearms into a vault for after hours to secure inventory.

Markegard to look into Council questions and concerns including if 10% for incidental sales is a reasonable percentage.

### **3.3 Facility and Energy Management**

Requested Action: Council to consider commitment and strategy for facility and energy management.

Maintenance Superintendent Jim Eiler and Assistant Maintenance Superintendent Deb Williams introduced Laura Malwitz and Chad Rykal from CR-BPS Inc.

Malwitz walked through overall goal, current state of buildings, and defined and explained FCI (Facility condition index) and EUI (energy use intensity). The facilities have been benchmarked, excluding parks. With all the facilities taken into account, there are several buildings that are in "unsatisfactory" condition. Discussed the costs for long-term capital planning as well as strategies.

Williams explained the groupings of the buildings as priorities. Group 1 priorities are Civic Plaza, Public Works, and Old Town Hall.

Mayor Winstead said it's \$6 million per year for upkeep, and Baloga asked what the 10-year spend would include. If we keep budgeting the way we are, we'd be in the \$2 million per year range.

Carlson asked what value \$6 million per year would bring the buildings to. Malwitz said it would get them to a "better" condition. Suggested setting a desired condition, and from there, the software will dial in on needs and priorities by dollar amount.

Baloga said we would also need to look at the replacement needs. Must take out ongoing maintenance for Creekside because it could be skewing the overall results.

Oleson asked if the operational costs are figured in. Malwitz said there is an inflation factor, but it's just a general average of inflation. Operational would be more included in "RI". Currently just looking at conditions and lifecycle of systems.

Malwitz provided overview of Public Works. Eiler discussed strategy and what needs upgrading and replacing within the Public Works building.

Williams asked what FCI level is tolerable. Would like to bring back more actual plans rather than overview. Will follow up with the related budgets to see what needs to happen.

Eiler suggested keeping group 1 buildings maintained as-is. Group 2 buildings will need some money put into them. Will need to look at some of these individually, and how that will affect the overall budget.

Baloga said it's overwhelming to hear that so many buildings are deficient, and it's difficult to understand how the numbers work and how they'll be prioritized. Now that there is a baseline, how can the prioritization give us the biggest bang for the buck.



## MEMORANDUM

**To:** Glen Markegard, Planning Manager

**From:** Liz O'Day, Planning Intern

**Date:** August 14, 2015

**Subject:** Comparison of Standards and Regulations of Firearms Dealers

### 1) INTRODUCTION

There are a number of statewide regulations involving firearms sales. The standards typically vary from state to state; some states have restrictive firearms sales in place while other states are relatively lax. This report will identify ordinances regulating firearm sales in a variety of states across the US and offer a comparison matrix (Appendix A) analyzing firearm regulation among the ten largest suburbs in the Twin Cities Metro area. The research was provided through the American Planning Association's Planning Advisory Service. Table 1 identifies the ordinances reviewed by state.

**Table 1: Ordinances Reviewed by City through PAS**

State	City
California	Alameda County
	Culver City
	Chino
	East Palo Alto
	Kern
	Lafayette
	Pacifica
	Pleasant Hills
	Santa Clarita
Colorado	Brighton
Georgia	Snellville
Illinois	Franklin Park
	Northbrook
	North Riverside
	Sauk
Nevada	Carson City
North Carolina	Raleigh
Pennsylvania	Pittsburg
Texas	Allen

## 2) **HOME OCCUPATION**

A number of cities in the United States regulate firearm sales as a home occupation. Some cities prohibit firearms dealers to store and sell ammunition, firearms and explosives on the premises. For example, Brighton, Colorado bans the sale of firearms on site but only permits the exchange of firearms at gun shows. Carson City, Nevada allows for firearm sales as a home occupation but it is not permitted to conduct business with clients on site, with the exception of federal firearm licensed gun dealers. Other communities require dealers to obtain a Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco and Firearms. Kern, California has tight firearm regulations including a requirement to obtain an FFL, a seller's license from the state board and a certificate from the Department of Justice. Other regulations require no outdoor storage, no deliveries greater than normal in residential areas, no noise or smell, no signs and no more than 25% of floor area may be used for such a purpose.

## 3) **ZONING PROVISIONS**

It is particularly common for municipalities to include firearm zoning provisions in their ordinances. Culver City, CA and Pittsburg, CA has a 1000 foot distance requirement from any school, parks, playgrounds and other firearm stores. Other communities have varying land use regulations. Franklin Park, IL allows firearm sales as a permitted use in the Business Opportunity Overlay District which includes the I-2 Industrial District. Lafayette, CA allows firearm sales as a conditional use in the commercial and business district but not in the industrial district.

## 4) **REGULATIONS OF FIREARMS AS A DISTINCT USE**

Many communities require special regulations regarding installment of security plans. In Chino, CA, the police department will investigate the applicant's personal history, building review, compliance with local, state and federal laws, and moral character of the applicant. North Riverside, IL outlines a number of conditions that must be met before obtaining a firearms license. Those conditions include:

- The applicant being the one who owns, operates and maintains the firearms retail store that is leased to the applicant with a duration of not less than three years,
- Gun sales may not exceed 20% of total retail area of the store
- Must obtain a valid general retail merchandising permit
- Gun sales shall be only those used for hunting or target shooting, no sale of handguns allowed
- Must be located in a business district zoning area

All conditions will be inspected and reviewed by the police chief.

Pleasant Hills, CA requires the applicant to obtain a police permit and local business permit. The police chief will inspect and review applicant and must be given an annual report created by the applicant. Also, the applicant must install an alarm system by a third party and a video surveillance system that meets all security requirements. Lastly, the building must have windows with bars, metal grates with spaces no larger than 6 inches and windowless doors.

5) **LOCAL LICENSING PROVISIONS WITH LAND USE REQUIREMENTS**

The only local licensing provision that was researched is in Northbrook, IL. Obtaining a FFL will not be issued unless firearms and ammunition be stored in locked cases and an inspection of the premises, if required by the community.

**COMPARISON OF STANDARDS OF FIREARM DEALERS IN THE TEN LARGEST TWIN CITIES SUBURBAN COMMUNITIES (Appendix A)**

City	Contact	Mail order only as home based business?	Allowed in industrial districts? If so, is retail allowed?	Classified as retail or another category? If so, what is approval process?	Special standards?	Security plan required?	Licensed?
Brooklyn Park	Todd Larson 763-493-8069	Yes – but must obtain a home occupation license	Yes, 10% of building. 10% or more for a CUP	Retail	None	No, but must work with Police Dept	Federal License, no City license
Plymouth	Marie Darling 763-509-5457	No	No retail sales in industrial	Allowed under sporting goods category	None	No	Yes, through the Bureau of Alcohol, Tobacco and Firearms
Eagan <sup>1</sup>	Mike Ridley 651-675-5650	No retail in homes in general					Yes, through the Bureau of Alcohol, Tobacco and Firearms
Coon Rapids	Scott Harlicker 763-767-6452	No	Not allowed in industrial areas	Permitted Use in Community Commercial, and General Commercial	None	No	Yes
Burnsville	Jane Hovind 952-895-4455	Can sell from home (home occupation ordinance)	Not allowed in industrial areas	Categorized under Sporting Goods; allowed in B-2 (neighborhood business), B-3 (general business) and HOC (Heart of the City)	None	No	Regulated through ATF; no local licensing requirements or conditions of approval
Eden Prairie	Steven Durham 952-949-8491	Yes, one as home based business	Allowed in industrial district with 15% of floor area as retail	Yes, as retail	Only special standards with Fed gov't	Reviews with Police Dept	No
Minnetonka	Ashley Cauley 952-939-8298	Currently amending code to not allow as home based business	Allowed in industrial areas with retail 25% of floor area – accessory use 25%-50% of floor area – conditional use	Yes, as retail	Selling ammunition goes through different process	No	Yes
Maple Grove	Dick Edwards 763-494-6045	Not allowed	Not allowed	Not allowed			
Edina <sup>2</sup>	Joyce Repya 952-826-0462		No retail in industrial	Not allowed			

<sup>1</sup> No firearm dealer in zoning ordinance or City Code

<sup>2</sup> No firearm dealer in zoning ordinance or City Code

# AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA ) ss  
COUNTY OF HENNEPIN

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

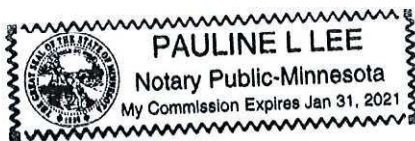
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 10/13/2016 and the last insertion being on 10/13/2016.

**MORTGAGE FORECLOSURE NOTICES**  
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold  
Designated Agent

Subscribed and sworn to or affirmed before me on 10/13/2016 by Charlene Vold.

Pauline L. Lee  
Notary Public



## Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:  
\$34.45 per column inch

Ad ID 607456

## CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE PLANNING COMMISSION

CASE FILE NUMBER:

PL2016-162

APPLICANT:

City of Bloomington

PROPOSAL: City Code amendment creating definitions and standards for firearm and firing range facilities and establishing them as permitted, prohibited or conditional uses in various zoning districts

DATE, LOCATION, AND TIME

OF HEARING:

October 27, 2016, 6:05 p.m.

City Council Chambers -

Bloomington City Hall

1800 West Old Shakopee Road

Bloomington, MN 55431-3027

HOW YOU CAN PARTICIPATE:

(Please include Case File number above when corresponding)

1. Review supplemental information online at [blm.mn/updates](http://blm.mn/updates) or in the Community Development Department at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, MN 55431-3027;

2. Submit a letter to the address below expressing your views;

3. Attend the hearing and give testimony about the proposal; and/or

4. Contact the Planning Division using the information below.

FURTHER INFORMATION:

A full copy of the Case File is available for public review during regular business hours in the Community Development Department at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, MN 55431-3027

OR contact:

Mike Centinario, Planner

City of Bloomington

1800 West Old Shakopee Road

Bloomington, MN 55431-3027

(952) 563-8921

Email: [mcentinario@BloomingtonMN.gov](mailto:mcentinario@BloomingtonMN.gov)

Published in the  
Bloomington Sun Current  
October 13, 2016  
607456



Originator  
Community Development

Item  
**Consider approval of draft Planning Commission meeting synopsis of  
091516**

Date  
10/27/2016

---

Description

Consider approval of draft Planning Commission meeting synopsis of 9/15/16

---

Requested Action

I move to approve the draft Planning Commission meeting synopsis of 9/15/16 as presented.

---

Attachments:

Draft Planning Commission meeting synopsis of 091516



# PLANNING COMMISSION SYNOPSIS

Thursday, September 15, 2016

---

---

**CALL TO ORDER**

Chairperson Spiess called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

---

---

**COMMISSIONERS PRESENT:** Spiess, Batterson, Bennett, Goodrum, Solberg, Swanson

**COMMISSIONERS ABSENT:** Snyder

**STAFF PRESENT:** Markegard, Schmidt, Centinario, O'Day

Chairperson Spiess led the attendees in the reciting of *The Pledge of Allegiance*.

---

---

**ITEM 1  
6:03 p.m.**

**CASE:** PL2016-138

**APPLICANT:** Smalls Corporation dba 9RoundKickbox Fitness

**LOCATION:** 10700 France Avenue

**REQUEST:** Conditional Use Permit for a health club (Kickboxing gym) within the Park Place on France development

---

---

**SPEAKING FOR THE APPLICANT:**

Damion Smalls, 10700 France Avenue S, Suite 104

**PUBLIC HEARING DISCUSSION:**

Centinario provided the location for the proposed use and tenant layout of the Park Place on France development. The floor plan includes a number of circuit training stations. The use is conditional accessory in the B-4 Zoning District which requires a conditional use permit and the use must occupy less than 25% of the total floor area. Recommended condition #2 requires provided bicycle parking spaces throughout the site. This specific tenant requires two bicycle parking spaces.

Batterson asked about the bathroom and water use.

Centinario stated the restrooms are located in the corner of the facility. He noted there is refrigeration on site but asked the applicant to address the specifics.

Swanson asked about sound barrier standards in relation to adjacent tenants.

Centinario was not aware of any special improvements to reduce sound. Staff was not concerned about the noise level given the use of the adjacent tenants.

Damian Smalls noted 9 Rounds is a 30-minute circuit training facility. There is a speedbag near the back and adjacent to the bathroom in Firehouse Subs that alleviates noise. A refrigerator will be provided.

Bennett arrived at 6:10pm

The public hearing was closed via a motion.

Goodrum welcomed the applicant to Bloomington.

Solberg noted the use is an interesting and appropriate fit to the development.

Spieß said kickboxing is a popular fitness trend among millennials.

The item is a final decision unless an appeal is received by 4:30pm on September 20, 2016.

#### **ACTIONS OF THE COMMISSION:**

**M/Swanson, S/Solberg:** To close the public hearing. Motion carried 6-0.

**M/Batterson, S/Solberg:** In Case PL2016-138, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a health club located at 10700 France Avenue South, subject to the conditions attached to the staff report. Motion carried 6-0.

#### **CONDITIONS OF APPROVAL:**

- |    |                 |   |
|----|-----------------|---|
| 1. | Prior to Permit | Sewer Availability Charges (SAC) must be satisfied.   |
| 2. | Prior to C/O    | Bicycle parking spaces must be provided throughout the site. Location and number of racks as approved by the City Engineer. |
| 3. | Ongoing         | The conditional use permit is limited to the floor area shown on the approved plans in Case File # PL2016-138.              |
| 4. | Ongoing         | All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).                               |
| 5. | Ongoing         | Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.       |
| 6. | Ongoing         | No waste, construction or otherwise, may be dumped in storm sewers.   |

**ITEM 2 & 3  
6:13 p.m.**

---

---

**CASE:** PL2016-142 and PL2016-144**APPLICANT:** City of Bloomington**REQUEST:**

- 1) Amending and reorganizing sections of Chapters 19 and 21 of the Bloomington City Code pertaining to the Flood Hazard Overlay District. The proposed changes update City Code language to be consistent with Federal Emergency Management Agency (FEMA) requirements and move the current Flood Hazard Overlay District section from Chapter 19 to Chapter 21
- 2) A Zoning Map amendment modifying the boundaries of the Flood Hazard (FH) Overlay District to match the updated Flood Insurance Rate Maps (FIRMs)

---

---

**SPEAKING FROM THE PUBLIC:**

Duane Filipek, 9621 Upton Rd

**PUBLIC HEARING DISCUSSION:**

Bryan Gruidl noted the FEMA maps are used for floodplain management. The last update to the maps was in 2004. The National Flood Insurance Program (NFIP) was created in 1968 to help property owners protect themselves and to reduce the risk of flooding. In order to participate, communities must incorporate floodplain management standards in the codes. The Code is being updated to incorporate the updated maps effective November 4, 2016. Staff submitted a draft ordinance to MnDNR which updated FIRM map references and various standards for continued compliance with the NFIP.

The rezoning ordinance is to update the flood hazard overlay map to incorporate the updated changes to the Flood Insurance Rate Maps (FIRMs). He displayed a map showing a sample area of the floodplain, highlighting areas retracted from the floodplain and areas added to the floodplain. To illustrate how the updated maps affect Bloomington, Staff divided the properties in 3 categories: out of floodplain but within 500 feet so notice was required -3,000 properties; property intersects floodplain – 313 properties; and principal structure within floodplain - 22 properties. Federal law requires principal structures in the Flood Hazard area with a loan to carry flood insurance. Lenders will likely send letters to the homeowners within those areas to provide information on insurance. Staff sent 3,300 notices and is most concerned with the 22 principal structures identified within the Special Flood Hazard Area (SFHA). There are 3 parcels with a flood insurance policy, 13 within the SFHA with no record of flood insurance and 6 parcels with a Letter of Map Amendment (LOMA) that will carry over.

Goodrum asked how the proposed updates will affect zoning standards.

Gruidl said the changes are to update definitions and standards, and adopt the new maps.

Batterson asked how many new homeowners are now within a floodplain.

Gruidl noted there are 13 properties, three of which are not impacted by the elevation.

Batterson asked if there are properties in the floodplain that are below the elevation.

Gruidl said the homes affected by the floodplain have historically been affected by the floodplain so their low floor elevations continues to be within the floodplain.

Batterson asked if there are any programs to help homeowners raise the base elevation in order to reduce premium rates.

Gruidl said there are ways floodproofing can be done to help lower insurance rates, but staff has not explored it further. Many properties are located close to Nine Mile Creek. There are floodproofing resources available on the MnDNR website.

Solberg asked if there are restrictions for properties located within the flood hazard. How many are affected?

Gruidl said staff identified 313 properties located within the flood hazard. Fences are allowed, but staff must review the plan in order to avoid the occurrence of dams.

Solberg asked how many of the 313 properties were added to the floodplain?

Gruidl stated he did not have the number on hand but can provide the number.

Solberg stated it is important for the new properties to be aware of the floodplain standards and regulations.

Duane Filipek lives along Nine Mile Creek. He noticed the creek has changed, especially this year, as the water has gone over the banks much more frequently than in the past. He recommended the City look at water runoff from blacktop parking lots and wondered if there is funding to preserve the banks along Nine Mile Creek.

The public hearing was closed via a motion.

Batterson appreciated the work and noted the City is fortunate that flooding has had a modest impact on homeowners.

Swanson said there are municipalities that require stormwater runoff to be held within the property. He suggested the City should look at stormwater runoff procedures for future construction.

Markegard noted the first motion is for the ordinance amendment and the second motion for the rezoning.

The item moves to City Council on October 3<sup>rd</sup>, 2016.

## **ACTIONS OF THE COMMISSION:**

**M/Batterson, S/Bennett:** To close the public hearing. Motion carried 6-0.

**M/Solberg, S/Goodrum:** In Case PL2016-142, I move to recommend City Council approve an ordinance as attached to the staff report amending sections of Chapters 19 and 21 of the Bloomington City Code pertaining to the Flood Hazard Overlay District.  
Motion carried 6-0

**M/Solberg, S/Goodrum:** In Case PL2016-144, I move to recommend City Council approve a rezoning ordinance modifying the boundaries of the Flood Hazard (FH) Overlay District to be consistent with updated Flood Insurance Rate Maps (FIRMs) prepared by the Federal Emergency Management Agency.  
Motion carried 6-0.



**ITEM 4**  
**6:36 p.m.**

---

---

**CASE:** NA

**APPLICANT:** City of Bloomington

**REQUEST:** Industrial District Zoning Update

---

---

**DISCUSSION:**

Schmidt gave an update of the industrial district zoning update:

- Summary of Previously Adopted Bloomington Zoning Code Updates
  - o Creation of commercial and mixed use zoning districts, residential district shift to 21, residential use matrix, townhouse district and standards, creation of and updates to various zoning standards
- Project schedule for Industrial Updates
  - o Fall 2016 – Study meetings with Planning Commission and City Council
  - o Fall 2016/winter 2017 – staff research
  - o Winter/spring 2017 – convene industrial focus group outreach and Planning Commission and City Council study meetings
  - o Spring/Summer 2017 – Informational meeting for industrial property owners/public
  - o Summer 2017 – Planning Commission and City Council public hearings
- Overview of six existing industrial districts
  - o Uses allowed in all industrial districts: manufacturing, office, research labs, warehousing, sports training, hotels, etc
  - o I-2, Limited Industry also permits – retail (heavy equipment), hazardous waste collection, open storage
  - o I-3, General Industry also permits - motor vehicle sales, junk car disposal, health club, vehicle repair, retail (heavy equipment), open storage, etc
  - o IP, Industrial Park also permits – golf driving range, agriculture (limited), retail sales (4 days/year). Prohibited uses in IP, but allowed in I-1, I-2, and I-3: place of assembly, hotels, vehicle repair, physical exercise, restaurants, self-storage
  - o FD-1 and FD-2, Freeway Development also permits – residential, entertainment/recreation, daycare facilities, colleges, motor vehicle sales, banks, health club
- Existing industrial zoning map
  - o Freeway Development districts concentrated along 494 corridor.
  - o Industrial Park districts concentrated in central Bloomington
  - o Limited Industry and General Industry districts scattered north of City Hall and Lyndale Avenue
- Non-industrial uses currently allowed and not allowed in industrial districts
  - o Allowed: office, dry cleaning, service stations, hotels, self-storage, breweries, medical office, etc.
  - o Not allowed: retail, taprooms, K-12 schools, residential, lumber yards, indoor agriculture, firearms dealer (no retail), showrooms
  - o Potentially adding taprooms, firearm dealer (no retail), indoor agriculture, lumber yards, residential to an allowed use in one small area
    - Based off input and feedback from the community and businesses
  - o Potentially removing hotels and car dealers from an allowed use to a prohibited use
- Industrial District Zoning Standards
  - o Front yard setbacks across the industrial districts range from 35-60 feet, large lot areas
  - o Staff is looking to update standards in general and specifically establish standards for maximum floor area ratio
- Open storage overview

- Two types: directly related to the principal use and not related to the principal use (by conditional or interim use permit)
  - Current standards: screening, lighting, landscaping, pavement, curb and gutter, stormwater and no limits on square footage tied to building
  - Shipping containers – are allowed onsite up to 30 days per year throughout the entire City
  - Examples of open storage sites: 9713 Irving avenue, 8100 Pillsbury avenue
    - Luther Auto Storage: tax implication on proposed Luther inventory lot with building = \$1,997,000 vs. without building = \$1,552,000
  - Surrounding communities:
    - Edina - not allowed and must be stored within an enclosed building
    - Shakopee - conditional use in industrial districts
    - Eagan – conditional use when related to principal use, fenced enclosure, screened from right-of-way and residential uses, must meet building setbacks and not located in a front yard
    - Eden Prairie – conditional use in General Industrial zoning district and screening is required
    - Richfield - zero properties zoned industrial but allows commercial outdoor storage that must be screened from public view and located in a side or rear location
  - Potential standards – meet building setbacks, must be directly related to principal use, limit to a percentage of the building size, require a conditional use permit
- Questions: Any specific research planning commission would like staff to review as part of the industrial zoning update?
- Any specific uses that should or should not be part of the industrial districts
  - Any specific industrial standards that need to be reviewed

Bennett asked how staff identified the non-allowed uses in the industrial districts. Schmidt noted the uses were identified based on other communities and businesses trying to locate in Bloomington. Markegard noted the most common feedback through the Forward 2040 public input process regarding an industrial use change is to allow taprooms in industrial areas.

Goodrum noted indoor recreational uses are popular in industrial districts. The buildings may be a good fit for indoor recreation but he is apprehensive to see children in industrial areas due to safety concerns.

Swanson asked about the minimum acreage for the various industrial districts. Schmidt gave a breakdown of the acreage. Swanson asked if staff has considered reducing the minimum lot size to encourage smaller uses. Schmidt noted staff will review the lot size in relation to specific uses. Markegard noted one concern with reducing the minimum lot area is the difficulty of reuse. He provided examples of parcels that could not practically be reused on their own. Schmidt noted the I-3 zoning district has no minimum lot size.

Solberg recommended to review parking and compare that with maximum structure coverage in order to avoid corridors with a strong presence of impervious surface. Driving to an indoor recreational facility or taproom may be unappealing if there are areas of concrete. He suggested looking at adding more greenspace standards for these types of uses.

Goodrum noted the possibility of mix and match of standards across the different types of uses. For example, a 60 foot setback for a taproom may not be appropriate for a retail use. Swanson agreed and suggested to avoid the large front setbacks as they may lead to front yard parking lots. Goodrum recommended to require a larger rear setback but allow a reduced front setback.

Batterson discussed he would like to see more uses in industrial areas that attract more people. He gave Vertical Endeavors as a positive example. It is important to encourage new manufacturing, taprooms in order to enliven the industrial area. He liked that open storage standards are flexible and sees a place for open storage in the community but wants to keep the design standards very high, especially in terms of landscaping and fencing.

Spiess would like to see how many existing industrial properties would be affected by any proposed change, perhaps by mapping nonconformities. Markegard said open storage is an important policy issue to consider. Other communities have made efforts to zone it out, and the uses are increasingly coming to Bloomington as the only alternative north of the river. Should Bloomington continue to be flexible with this use? Solberg would like to see where the open storage uses are concentrated. It is important to consider areas that may be redeveloped and to look at the surrounding tax value. Batterson asked how staff monitors the shipping containers? Schmidt noted they are identified through the Environmental Health division or by complaint. Schmidt gave Freight Farming as an example.

Schmidt gave an overview of potential zoning strategies and analysis maps:

- Protected industrial areas – properties within this area should remain industrial. Rezoning to non-industrial districts should be avoided.
- Proactive rezone – properties within this area targeted for rezoning to other districts (commercial zoning districts, new industrial/live work district or new industrial/retail district)
- Transitional area (market driven) – properties within this area would remain zoned and guided industrial; however, the City would be open to considering compelling proposals to amend the guide plan and zoning to non-industrial uses when driven by the market, dependent on the proposed land use and relationship to the surrounding uses
- Existing land use map
  - West Bloomington concentrated with office/warehouse
  - Northeast corner concentrated with retail
- Clear height map
  - Where are the clear heights for buildings in industrial districts?
    - Western Bloomington and north of City Hall has concentrated areas of higher clear height buildings, but their location varies considerably.
- Total assessed value per square foot of land area
  - High value per square foot of land area concentrated high areas along 494, and South Loop
- Site size map
  - Areas over three acres are concentrated in western and central Bloomington. Small lots under one acre concentrated along Lyndale Avenue
- Floor area ratio
  - Lower floor area ratios in the Western Industrial Area
- Effective age – based on materials and upkeep of the building
  - Using the Assessing department's data, the lowest effective age concentrated in western Bloomington
- Draft zoning map
  - Protected industrial area – Western Industrial Area and north of City Hall to remain industrially zoned.
  - Proactive rezoning – concentrated areas along 494 and near Lyndale Avenue. One idea is to rezone portions of the Lyndale-American area to a hybrid industrial/commercial district. The areas between Wentworth Avenue and Pleasant Avenue, where there is already a strong mixture of residential and industrial uses to be potentially a live-work zoning district. Markegard said there is an intermingling of residential and industrial use, which has been considered an obstacle in the past. Recently, promoting live-work type uses has become more popular in some communities and may be a good fit in this area (for example, artists

or craftsmen and women that want to live adjacent to their studios). South of 86<sup>th</sup> Street to 97<sup>th</sup> Street along Lyndale Avenue could be a hybrid of industrial/retail mix. Solberg asked about the City standpoint on the railroad. Markegard said the City does not anticipate it will be terminated as it is important to the central industrial area. The Comprehensive Plan addresses a potential transitway or a rails-to-trails if it ever were to lose its function as a working railroad.

Goodrum suggested to look at the number of employees in industrial districts. How many jobs would be replaced with a retail use? Solberg also mentioned comparing industrial vs. retail wages. Goodrum liked the industrial zones along Lyndale remaining as is because retail along the corridor could lead to traffic and congestion. He asked if the rezoning and changes are occurring prior to the Comprehensive Plan update. Markegard said the plan feeds into the Comprehensive Plan update especially with respect to calling for the protection of certain industrial areas but rezoning would likely occur prior to completion of the Comprehensive Plan update.

Solberg suggested comparing trip generation between commercial and industrial. Can the system along Lyndale handle the changes?

Spiess noted the industrial areas along Lyndale Avenue should be more transitional. Bennett agreed and noted leave it up to the market to decide. Swanson recommended that Lyndale Avenue could act as a unique opportunity to be similar to Minneapolis, with residential on one side and a taproom on the other.

- Potential new zoning districts
  - o New industrial live/work zoning district
  - o New hybrid (industrial/retail) zoning district
  - o IT – innovation and technology – high tech manufacturing and clean industrial
- Outreach
  - o Focus group consisting of property owners, chamber of commerce, leasing professional commercial real estate development association to discuss and provide feedback
  - o Informational meeting

Batterson recommends also meeting with stakeholders one on one to discuss the market forces. Brokers can be a good source of information and may be more candid one on one.

**ITEM 5**  
**7:33 p.m.**

---

---

**CASE:** NA**APPLICANT:** City of Bloomington**REQUEST:** Consider approval of draft Planning Commission meeting  
synopsis of August 25, 2016

---

---

**ACTIONS OF THE COMMISSION:**

**M/Swanson, S/Bennett:** I move to approve the August 25, 2016 Planning Commission meeting synopsis as presented.

Motion carried 6-0.

The meeting adjourned at 7:34 p.m.

**Prepared By:** EO **Reviewed By:** GM, MC, JS

**Approved By Planning Commission:** \_\_\_\_\_